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RECORDS AND FILES
OF THE
QUARTERLY COURTS
OF
ESSEX COUNTY
MASSACHUSETTS

VOLUME V

1672-1674

SALEM, MASS.
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NOTE

The original book of records of the Norfolk County Quarterly Court, to which reference was made in Volume I, as having disappeared, recently has been found in the office of the Essex County Registry of Deeds. The book now has been returned to its proper place in the office of the Clerk of Courts.

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RECORDS AND FILES OF THE QUARTERLY COURTS
OF ESSEX COUNTY, MASSACHUSETTS.

COURT HELD AT IPSWICH, MAR. 26, 1672.

Judges: Mr. Symon Bradstreete, Mr. Samuel Symonds, Major Genrl. Denison and Major Wm. Hathorne.

Jury of trials: Mr. Daniell Epps, Deacon Pengry, Edmond Bridges, John Denison, Jacob Foster, Henry Archer, John Emry, Wm. Morse, Edw. Richardson, Jo. Trumble, Ezek. Mighill and John Commings.

Hackaliah Bridges being cast away and dying intestate, Mr. Samuel Symonds and Major Genrl. Denison, the clerk being present, on Feb. 8, 1671, granted administration to Obadiah Bridges, his brother, who was to bring in an inventory.

On Mar. 15, 1671-2, Samuel Ellwell acknowledged judgment in two actions to Mr. Jonathan Wade, before Mr. Samuel Symonds and Maj. Gen. Denison, said judgments to be paid in fish.

John Cornu acknowledged judgment to Mr. Jonathan Wade.

Abraham Robinson acknowledged judgment to Mr. Jonathan Wade.

An imperfect inventory of the estates of Elias Young, Wm. Yabsly and Edward Foster, who were cast away at sea, being presented, and court being informed that the estates may suffer unless an exact inventory be returned, Mr. Bartholmew Gedney, Mr. Christopher Lattimer and Erasmus James were appointed administrators, they giving security. All their charges were to be paid, although the persons deceased be found to be insolvent. Court further ordered that all creditors have notice by publication to bring in their bills to these administrators, in order that each might receive his proportion, and that the said administrators have power to make sale of such part of the estates as necessary.

Abiell Somerby dying intestate, court granted administration to Anthony Somerby and Rebecka Somerby, relict of the said

Abyell. An inventory of the estate, amounting to 315li. was presented, and four children were left, she being with child at the time. Court ordered 100li. to the widow and the rest of the estate to the children, the eldest son to have a double portion.

Inventory of the estate of Abiell Somerby, who deceased Dec. 27, 1671, taken by John Knight and Tristram Coffin: Housing, orchard, etc., wearing apparel, domestic animals, household furnishings, arms, etc., 315li. 6s. 8d. [Original on file in the Registry of Probate.]

James Watters v. Patrick Morrin. Slander. Verdict for plaintiff. Defendant was to make public acknowledgment in the first town meeting in Topsfield. Execution was fully satisfied on Apr. 2, under the hands of James Watters, Jo. How and James Hartscomb.*

Mr. Nicolas Page, administrator of the estate of Major Benjamin Keanie, deceased v. John. Collings and Henry Collings. Trespass. Verdict for plaintiff, the six acres of meadow.†

*Writ, dated 21 : 10 : 1671, signed by John Redington,‡ for the court, and served by Jeremiah Elsworth,‡ constable of Rowly.

†Writ, dated Mar. 8, 1671-2, signed by Jonathan Negus,‡ for the court, and served by Samuell Hartt,‡ constable of Lin, by attachment of the dwelling houses of defendants.

Nicho. Page's bill of cost, 1li. 15s.

Copy made at Lyn, 13 : 1 : 1671-2, by Thomas Laughton,‡ clerk, of all the salt marsh laid out in the first and second division in Rumley marsh, taken out of the old records, 20 : 4 : 1651. Thomas Talmage, six acres, now Capt. Keayans.

Agreement, dated Lyne, Mar. 22, 1668, between Nicho. Paige,‡ and Henry Collins‡ and John Collins,‡ both of Lyn, concerning six acres of meadow near a place called "the paynes" in Lyn, which meadow was formerly Capt. Keaynes and bought by said Collens of Capt. Marshall, now of Lyn, for six pounds; that they would leave it to Jonathan Wade of Mesticke and Robert Rand of Lynn to settle the price to be paid. If they could not agree then Capt. Wallker was to be the third arbitrator. Capt. Marshall acknowledged, Mar. 13, 1671, before Daniel Denison,‡ that he was a witness to this agreement.

Copy of a record of a county court held at Boston, July 28, 1668, signed by Edw. Rawson, recorder, granting administration of the estate of Mr. Benjamin Keayne to Mr. Nicholas Paige, in the right of Ann, his wife, daughter of the said Keayne, which the late Capt. Robt. Keayne, his father, took no possession of nor administration upon, and he to bring in an inventory to the next county court. Copy made by Freegrace Bendall,‡ cleric.

‡ Autograph.

Capt. Keayne's inventory, showed 239li. 9s. 2d., owed to his father, and 5li. 15s., owed by Richard Dexter, as attested by Edw. Rawson,* secretary.

Richard Cooke, aged about fifty-eight years, testified that many years since he heard Mr. Edward Lane, deceased, order Capt. Thomas Marshall to sell six acres in Lin marshes for 6li. Sworn, —21, 1668, before Richard Parker.*

Copy of deed, dated Dec. 2, 1663, Edward Lane of Boston, merchant, as the portion of Mrs. Anna, the daughter of Major Benjamin Keayne, deceased, and grandchild to Capt. Robert Keayne, late of Boston, deceased, now reputed wife to said Lane, which was promised upon contract of marriage, but which had been neglected, and "for other sorrowes and sufferings which through my weaknes and Infirmityes I haue occasioned to befall hir the said Anna," conveyed to Thomas Bratle and Robert Gibbs, both of Boston, merchants, as feoffees in trust for said Anna, "my own dwelling house which was the mansion dwelling house of the sayd Capt. Robert Keayne deceased wherein I the sayd Edward Lane now dwell wth the tennents, yards, outhouse ground & Apurtinances thereunto belonging not hereby Intending any part of that house & appurtinances now in the possession of Mr. Samuell Cole who married wth Anna Keayne the relict of y^e said Capt. Robert Keayne excepting & reserving unto me the sayd Edward Lane that shop in the possession of Deacon Wiswall & the shop on this side next to it & all the roomes above & the cellar under the sayd shop & as much ground as shall rainge euen from the new house to the old house in case I the sayd Edward Lane shall see cause afterward to build one end of wth building to be from the bottome of the wall of that cellar all next the afore granted p^misses streight upwards to the top or ridge of the same Provided that this Grant of me the sayd Edward Lane shall debarr the sayd Anna of all future claymes and demands that hereafter she might haue & make to any other part of my estate or to any other part of the lands & estate of left by the sayd Capt. Robert Keayne deceased upon any plea allegation or pretence whatsoever except what may be heere after given & bequeathed unto hir by the last will & testament of me the sayd Edward Lane." Further she should not convey any of this estate, except to her natural child or children, without the consent of the majority of the overseers of the will of Capt. Robert Keayne. Wit: Samuell Bradstreet and Robt. Howard, Justice of the Peace. Acknowledged Dec. 10, 1663, before Thomas Danforth. Recorded, Dec. 11, 1663, and copy made by Edw. Rawson,* recorder.

* Autograph.

Erasmus James v. John Northy, sr. For fencing. Verdict for plaintiff.*

*Writ: Erasomus James v. John Northy, sr.; for fencing in and appropriating to himself one-quarter of an acre of said James' land, bounded by a great rock at the east corner, and so upon a straight line to the corner of the land of William Nishes on the south, and so along William Nishes land until it meets John Northy's fence, and so along said fence until it comes to the corner of said Northy's cow house on the south corner; dated Mar. 15, 1671-72; signed by Moses Mavericke,† for the court; and served by Mathew Clarke,† constable of Marblehead. Bond of John Northey† and Edm. Batter.†

George (his mark) Vickery of Hull acknowledged to have received full satisfaction of John Northy of Marblehead, May 22, 1660, for a parcel of land sold by him to said Northy and lying between the land of William Nicke and the land which was formerly John Russell's. Wit: Francis Johnson† and Moses Mavericke.†

Letter of attorney, dated Mar. 25, 1671-2, from John Northey, sr.,‡ fisherman, now resident in Marblehead, to William Beale of Marblehead. Wit: Nicholas Willis† and Samuell Beale.†

Copy of record of a Marblehead town meeting, Apr. 10, 1670, signed by Moses Mavericke, Christopher (his mark) Latamore, James Smith, Richard Norman and Thomas Pitman, the townsmen, "agreed on: that what Land lieth in Commons meet for Houses to be bult on: and not prejudicall to the Towne the Townsmen are Impowored to sell to such as may be usefull in the Towne." Copy made Feb. 14, 1671-72.

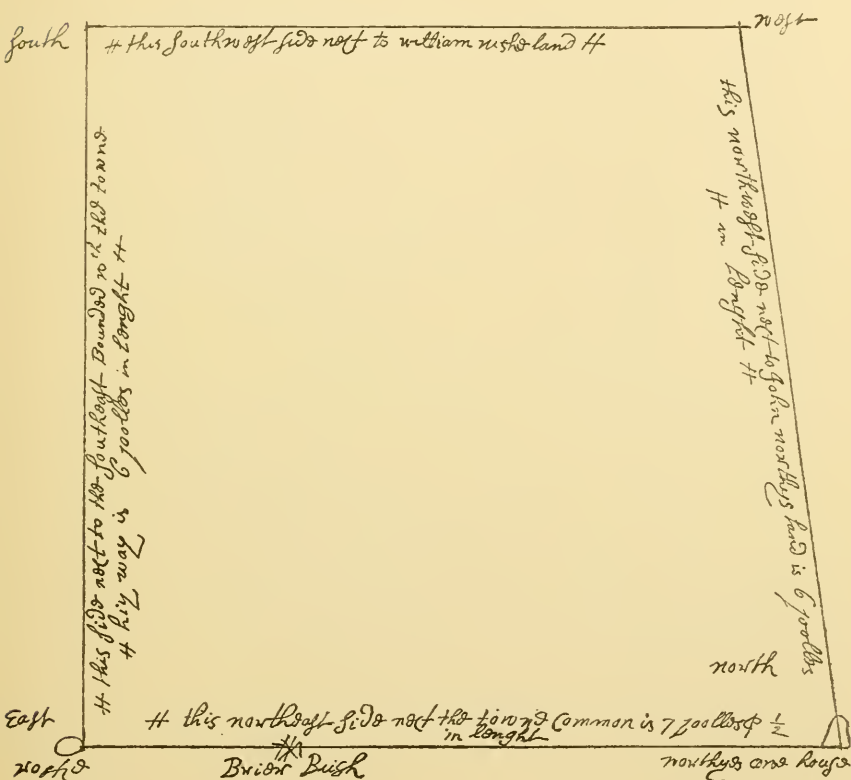
Copy of record of a Marblehead town meeting, May 17, 1670, signed by Moses Mavericke, Christopher (his mark) Latamore, James Smith, Richard Norman and Thomas Pitman, the townsmen, "Sold unto Erasmus James A Small Tract of Land lying between William Nicks land and fence toward the Southwest and the Common toward the Northeast: and John Northeys fence toward the Northwest: and the hie way toward the Southeast the said James is to giue the Towne twenty shillins: and the Land to be stacked out by the Townsmen: the said Land is Sold vnto the said James and his Heires For euer."

John Peash, sr., aged about sixty years, and John Peash, jr., aged about fifty-eight years, deposed that one of them had lived in Marblehead forty-one years, and the other about thirty-three years, and that the land in controversy was common land until the town sold it to Erasmus James on May 17, 1670. Further that nobody except Northy had ever laid claim to the land, and he had fenced it in. Also that the land which John Northy's

† Autograph.

‡ Autograph and seal.

orchard now stands upon and has for several years past, which adjoins the land in controversy, was given him by the town in way of exchange for some land that said Northy left out for a highway for the town. The land thus left out was that which said James bought, and if Northy had had a right to it, seven poles of fence or thereabouts would have fenced this land in when he fenced in his own land with a stone wall. Sworn, 25 : 1 : 1672, before Wm. Hathorne,* assistant.



James Smith, aged about forty-eight years, and Richard Norman, aged forty-nine years, deposed that the above draft was to the best of their judgments true, they being two of the selectmen of Marblehead when the land was sold to Erasmus James. Sworn, 15 : 1 : 1671, before Wm. Hathorne,* assistant.

Erasmus Smith's* bill of cost, 11i. 19s.

* Autograph.

Mr. John Gedny v. Capt. Wm. Hudson. Debt. Defaulted. Bond of defendant and Wm. Letherly forfeited.

Frances Johnson v. Richard Bedford. Verdict for plaintiff. Damages to be paid in fish at Munhegan.*

Richard Bedford v. Frances Johnson and Frances Grant. Verdict for plaintiff. Damages for his voyage at Munhegon, for all his share and craft.

Wm. Averill v. John Procktor, sr. Withdrawn.

Stephen Crose v. John Todd. Verdict for plaintiff.†

Copy of record taken, Mar. 15, 1671-2, from Marblehead book of records, dated May 17, 1670, of the sale of the parcel of land to Erasomos James for 20s. Copy made by Samll. Ward,‡ keeper of the town book.

*Writ: Francis Johnson of Marblehead v. Richard Bedford; for damage on a fishing voyage at Monhegon, defendant being the shoreman, and by his drunkenness and neglect of his care and labor the fish was damnified about 30li.; dated Mar. 20, 1671-2; signed by Moses Mavericke,‡ for the court; and served by Philip Fowler,‡ deputy for Theophilus Wilson,‡ constable of Ipswich. Bond of Richard (his mark) Bedford.

John Bartlet, aged about twenty-eight years, deposed that Richard Bedford damaged about forty quintals of fish which had to be sold as refuse. It was not at one time but was by constant drunkenness during the whole voyage, and he refused to leave Monhigen with the company. Moreover the whole crew, boat and all, were fain to stay ashore in the best of the fishing time to save the fish which was spoiled through his neglect. Sworn, 20 : 1 : 1671, before Wm. Hathorne,‡ assistant.

Leonard Haviland,‡ aged about thirty years, deposed that when the fishermen were at sea, Richard Bedford would make himself drunk, having run up and down and got liquors, and would lie under the flakes or in one house or another and let the fish lie "upon spoiles." He would also get others to drink it with him, with the bottle in the knees of his breeches. Once twenty quintals of fish lay upon spoil in a rainy night with the fish side upwards. When Bedford refused to leave the Island, Francis Johnson told him that his voyage was not ended until he came home to Marblehead. Sworn, 20 : 1 : 1671-2, before Wm. Hathorne,‡ assistant.

†Writ: Stephen Crose and Abraham Perkins v. John Tod; for hire of a boat of twenty-four ton hired by him to go to Pacataqua for boards with three men in her, according to his order, which he refused to pay; dated Mar. 18, 1671; signed by Robert Lord,‡ for the court; and served by Robert Lord,‡ marshal of Ipswich.

‡ Autograph.

Andrew Peeters v. Christopher Michell. Verdict for plaintiff.

Richard Endall v. Mr. Jonathan Wade. For fish and oil delivered to him. Verdict for defendant.*

Willeam Butler, aged twenty-one years, deposed that being hired by Abraham Perkins and Steephen Crose to go with them to Lampor river to get boards for merchant John Tod of Roule, when they demanded boards of Robert Jones, he said he had none for them and when they asked how far it was to Mr. Smart's house, where they were to get boards also, he said he knew Smart had none. Sworn in court.

Abraham Perkins deposed. Sworn in court.

*Writ, dated Mar. 14, 1671-72, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal of Ipswich.

Richard Endall's bill of cost, 2li.

Report of Ezekiel Rogers† and Samuel Belcher,† auditors, concerning the account between Wade and Endle.

Andrew Newkum, aged about thirty-two years, deposed that in 1666, the price of fish was set and made at the Illes of Showles at 32 raelles per quintel. Sworn, 27 : 1 : 1672, before Wm. Hathorne,† assistant.

Robert Pearce, aged about sixty years, deposed the same. Sworn, Mar. 25, 1672, before Daniel Denison.†

Samuel Perse deposed that about Oct. 17, 1669, he delivered Richard Endall one hundred pounds of bread upon the account of Mr. Jonathan Wade. Sworn, Mar. 19, 1671, before Daniel Denison.†

Nathaniell Piper deposed that on Oct. 16, 1668, he delivered Richard Endall 78li. of beef upon the account of Jonathan Wade. Sworn, Mar. 15, 1671, before Daniel Denison.†

Richard Endle's credit by Mr. Wade's book for oil and fish paid him in '65, '66, '67, '68, '69 and '70: Received then on barrell of oyle price, 2li.; 32 Quintals of mer^{ble} fish at 26 Ryals, 20. 16.0; 42 Quintals at 26 Ryals, 27.6.0; 4 Quint. of refuse at 22 Ryalls, 2.4.0; on Quint. of refuse at 22 Ryalls, 2.4.0; on Quint & halfe of refuse, 0.16.0; 2 barrels of oyle, 1 to Duch & one barrell to Sumner, 4.0.0; 52 Quintalls of March^{ble} fish at 30 ryals Quintall, 39.0.0; 2 Quintals of Refuse fish, 0.18.; 60 Quint. of Mar^{ble} fish at 36 Ryals, 54.0.0; on Barrell of oyle to Duch, 2.0.0; deducted out of the Account, 3.4.9; 62 Quint. Marchantable fish att 17s. p Quintall, 52.14.0. 24 Quint. of March^{ble} fish at 16s. p Quintal, 20li. 4s.; total, 229.3.3.

Andrew Searle, aged about fifty-six years, deposed that in July, 1670, he was desired by Richard Endle of the lles of Shoales to assist him in his account with Mr. Jonathan Wade, and made the foregoing bill, which was acknowledged by two of the said

† Autograph.

Wade's sons, Nathaniell and Thomas. Sworn in court at Yorke, July 6, 1671, before Daniel Gookin.*

Gilles Cowes, aged about twenty-seven years, deposed that in 1666, he received his wages in fish at price current. Sworn, Mar. 21, 1671, before Daniel Denison.*

Johana Grant, aged about forty-five years, deposed that Mr. Wade sent a hog by the said Endell, which hog weighed about 100 wt., to deponent. Also she heard Master Wade own in her house that the hog was on said Endell's account. Sworn, Mar. 9, 1672, before Peter Twisden,* commissioner.

Robert Gibbs, aged about thirty-three years, deposed, Apr. 30, 1667, before Edw. Rawson* that there was a meeting in July, 1670, at the Isle of Shoales, of several merchants, namely, Mr. Joliffe, Mr. Lidgett, Mr. Whitcomb and others, together with several fishermen, concerning the price of fish. They declared that they would not give above 26 ryalls per quintal because there was little exportation for the fish and the price had broken so at Marblehead. Deponent was to receive of Mr. Nathaniell Fryer at the Isle of Shoules about 330 pounds in merchantable fish, which account he made up at the above rate. Copy made by Free Grace Bendall,* cleric.

Johanath Dimont, aged about forty-four years, deposed concerning the hog being sent to her, when she was Johana Grant. Also that the barrel of flour which she and Endell bought of Mr. Wade at Star Island, they had fifty weight, etc. Sworn, Mar. 9, 1672, before Peter Twisden,* commissioner.

Richard Endell's account of indebtedness to Jonathan Wade: 10 : 19 : 1667, balance, 42li. 16s. 02d.; by the ods of the price of fish by bill, 11li. 2s.; 1-3 part of 20 hogsheds of salt and frayt, 10li. 15s.; Jan. 10, 2 C. 1 qt. 21li. of roade at 3li. 15s. p C., 9li. 3s.; 6 yds. of canvis at 3s. 6d. p yd., 1li. 1s.; 4 yds. of cotten at 2s. 4d. p yd., 9s. 4d.; 1 payer of stockings at 2s. 6d. p., 2s. 6d.; 6 codlines at 4s. p., 1li. 4s.; 2 doz. cod hooks; 1li. 12s.; 1 barrill of malt, 1 barrill of indian corne, 2li. 4s.; 9 yds. of cotten at 4s. p. yd., 1li. 16s.; 4li. and 1-4 of tobacco at 8 p li. 2s. 10d.; 3 C. 0.7li. of bred, 1-2 a C. of wheet flower, 3li. 11s. 2d.; 585li. of porke at 3 1-2 p. li., 8li. 10s. 7 1-2d.; 1 shovel at 3s. 6d., 7 quarts of brandy, 14s.; Jacob Foster carting downe the goods, 2s. 6d.; 11 : 16 : 1667, 1 firkin of sope, 1li. 4s.; 1 : 31 : 1668, 1 barrill of Indian meell, 1 barrill of wheat and rie meel, 2li. 2s.; 20 : 2 : 1668, 3 C. of bred at 3li., 3 Codlines at 4s., 12s.; 1 Cow and calfe from Nath. Addams, 5li.; at Mr. Baker's for expenses, 10s.; 5 hogsheds of salt p Robert Dutch brought from Salim, 5li.; Aug. 4, 4 dozzen of cod hooks at 4s. p. doz., 16s.; Oct. 16, Nathaniel Piper, 78li. of beefe, 19s.; Steven Perse, 110li. of beef at 3d. & frayt, 1li. 8s. 6d.; Dec. 5, 1 yrd 3-4 of Kersie at 12s., 1li. 1s.; 4 yds. of galume at 5d., 1s. 8d.; 4 yds. of cotten at 3.6

* Autograph.

p yd., 14s.; 6 yds. of cotten at 4, 1li. 4s.; 8 yards of dowlis at 2.6 p yd., 1li.; silke, 5d.; 12 yrds. of cotten at 2.6 p yd., 1li. 10s.; 1 rugg, 1li. 10s.; 7 C. 2 qt. 13li. of bred, 7li. 12s. 2d.; 1. 3.7li. of wheat flower, a barrill, 1li. 19s. 8d.; 2 barrills of indian meel, 1li. 10s.; 1 barrill of rye meel, 18s. 6d.; 1023li. of porke, 15li. 8s. 4 1-2d.; 68li. of butter and a firkin, 1li. 16s.; 1 bed matt, 5s.; 2 bush. and 1-2 of pease, 10s.; carting downe the goods, 5s.; 2 barrills of malt, 2li. 3s.; 1 graper, 1li. 17s.; for expenses at Mr. Baker's, 4li. 2s. 10d.; Feb. 1, 1668, 4 hogsheds of salt p Robert Dutch, 5li. 8s.; Mar. 13, a cow of Thomas Lovell at 5li.; 4 bush. of malt and a barrill, 1li. 2s.; herring, 4li.; 1 barrill of pease, 19s. 6d.; 1 knife p your Brothers son, 10d.; 5 C. of nayles at 5 1-2 p C., 2s. 3 1-2d.; 1 C. of nayles at 16s., 1s. 4d.; 41li. of sope and a firkin, 19s.; 6li. of hops and 1 yrd. & 1-2 of cotten, 11s. 9d.; 58li. of porke at 4d., 19s. 4d.; 2 Cheeses, 9li. and 1-2, 4s. 8d.; 1-2 a side of Lether, 10s.; 2 yds. of kersie at 10s., 1li.; 12 Lases, 1s. 6d., 1 bush. of corne, 3s., 4s. 6d.; 2 dozen of codhooks, 8s.; expenses at Mr. Baker's, 9s.; Apr. 4, 1669, 2 shillings in mony; 1 barrill of rye meel, 19s. 6d.; 1 barrill of wheat meel, 1li. 3s.; expenses at Mr. Baker's, 1li. 15s. 9d.; Apr. 20, sent by Robert Dutch, 3 C. of bred and 1 qt. 5li., returned, 3li.; May 16, shoes at Good Knowlton's, 8s.; sent p Perse 1 C. of bred, 1li. 1s.; porke delivered at ye Shoales p Tho. Wade, 3li. 2s. 10d.; Dec. 2, by a parcel of goods for which he hath given bond, 14li. 13s. 11 1-2d.; Apr. 18, 1670, p your expences at Mr. Bakers, 1li. 8s.; total, 307li. 8s. 10d. Receipted by Jonathan Wade.*

Richard Endall, Cr., June, 1668, Aboard Mr. Winge, 60 Quintalls of mer^{ble} fish, 54li.; July, 1 barrill of oyle p Robert Dutch, 2li.; 109li. of porke delivered to Widdow Harris, 3li. 4s. 9 1-2d.; 113li. of porke delivered to Joane Grant, 1li. 13s.; July, 1669, 56 Quintalls of march^{ble} fish at 34 rials p Qt., 6 Quintalls at 34 rials, 52li. 4s.; July, 1670, 24 Quintalls fish at 32 rials p Qt., 19li. 4s.; total, 228li. 16s. 3 1-2d.

Peter Lidgett, aged about thirty-eight years, testified that about the latter end of June last, he was in company with most of the persons who were concerned in receiving merchantable fish at the Isle of Shoules that season. As no current price was agreed upon "by reason of the high Demands of the Fishermen it was generally agreed by the receavers that a publique meeting should be had with the Masters of the fishing voyages there, which by notice given was accordingly effected at the meeting house on y^e 2^d day of July Last where findeing the said Fishermen to insist upon y^e termes they had payd it to one another viz. 32 Royalls p q^{tn} as beeing sufficient to make it the price currant, The Marchants tould them that whatsoever the Currant price brake at Marblehead and Salem (where a shipp was then

* Autograph.

to loade) they would willingly give them the said price, & that more they judged verry unreasonable for as much as the Marblehead Fish is generally accounted the best, & did positively declare y^t they would not accept their fish on any other terms, after which on y^e Evening this deponent beeing at the Lodging of m^r James Whitcomb in company with most of y^e March^{ts} many of the chiefe Masters of Voyages came to them & after a long discourse of the matter they proffered some small abatem^t of the price which they formerly insisted on, but seeing they fell not to the terms it was else where in this Country M^r James whitcomb & this Deponent did then againe Declare with diverse others present that they would not accept of their Merchantable Fish on any other terms then twenty six Royalls p q^u or as the price currant should bee at Marblehead that season, & desired the Company to take notice accordingly of itt, where was present m^r John Paine of Ipswich, with many more & farther this Deponent saith that all the merchantable Fish he loaded off this yeare hath bin at 26 R. p q^{tt} & noe more as beeing the onely price currant that was this Last yeare knowne for merchantable fish." Sworn in court at Boston, Apr. 30, 1667, before Edw. Rawson, recorder. Copy made by Free Grace Bendall,* cleric.

Richard Endell Dr. 26 November 1665 to Jonathan Wade: 9 : 26, porke, 17li. 15s. 8d.; 33 Gallans 1-2 of rum, 6li. 14s., a barrill, 4s., 6li. 18s.; Oct. 1, 1665, payd mr. Russell for you, 4li. 12s.; 1 C. of nayles at 4s., 147li. of beef, 2li. 9s., 1 firkin of butter, 1li. 13s., 4li. 6s.; 127li. of porke at 2li. 3s. 7d.; Aug. 20, 1665, 9 yds. of tamy at 3s. 6d. p yd., 1li. 11s. 6d.; 7 C. 1 qt. 18li. of bred, 7li. 1s.; 16 hogsheds of salt and frayt, 18li. 8s.; mony payd to Mr. Hunckings, 7li.; Mar. 27, 1666, porke and salt, 11li. 12s.; 7 C. 2 qt. of bred, 6li. 15s., 1 barrill of apples, 11s., frayt, 7s., 7li. 13s. 6d.; 2 yds. 1-2 cotten and 2 yds 1-2 of cotten at 10s. 10d., 8li. of hops, 1li. 2s. 10d.; 5 doz. of cod hooks, 1li., 19 yds. of cotten, 1li. 6s. 6d., 1 bar. malt, 1li. 4s., 3li. 10s. 6d.; wheat, 11s.; 1 barrill of tarr, 1li. 4s., 1 quoile of rope, 3li. 3s., 64li. beef, 5li. 4s.; 2 payre of shoes, 5s. 6d.; June 22, 1 barril, of wheat flower, 2li., 1 quarter of beef, 3li.; beef, 1li. 19s. 3d.; porke, ribbon and 1 gall. rum, 1li. 13s. 3d.; 4li. of sugar, 2s. 8d.; Cordey, 1li., 4 yds. of cotten, 10s.; 3li. 1-4 of hops, 6s. 6d., 5 yds. 1-4 kersie, 2li. 7s. 3d., 1 firkin butter, 1li. 13s.; 1 barrill of pease, 19s.; 4 C. 2 qt. 7li. bred, 4li. 11s. 3d.; porke, 1033li., 15li. 8d.; 5 bush. of indian, 15s.; 2 bush. rye, 8s.; 1 M. sparrow bills, 1s. 6d.; 4 gallans and 1-2 of rum at 5s. p gall., 1li. 2s. 6d.; Mar. 8, 3 C. of bred, 67li. of flower, 3li. 11s. 10d.; 6li. of suger at 8d., 4s.; Mar. 28, 1667, 5 yds. of stuff at 4s. 8d., 1li. 3s. 4d.; 2 bed matts, 9s.; 1-2 a hog, 16s. 9d.; Apr. 4, 2 bushels of indian meel, 7s.; 1-2 a bush. of rye meel, 2s.; 6 1-2 yds. cotten, 16s. 3d.; 1 yrd. of black serge, 8s. 6d., 1 yrd 1-2 of stuf at 4s. 8d., 16s. 2d.;

* Autograph.

Mr. Jonathan Wade v. Richard Endall. Action of accounts.
Verdict for plaintiff.*

2 yds. of cotten at 4s. 6d., 4li. cotten at 1d., 5li. of hops at 8,
1 barrill Indian meel, 1li. 15s. 10d.; 1 barrill of malt at 1li. 4s.,
1-2 C. of flower, 10s., 1li. 14s.; May 25, 1667, 1 barrill of porke,
4li. 10s.; total, 151li. 11s. 7d.

Richard Endall, Cr.; 1 barrill of oyle, 2li.; July, 1666, 32
Quentalls of marchantable cod fish at 26 rialls, 20li. 16s.; 4
Quentalls of refuse fish, 2li. 4s.; July, 1666, 42 Quentalls of fish
at 26 rialles p Qt., 27li. 6s.; 1 Quent. and 1-2 of refuse, 16s. 6d.;
1 barrill of oyle, 2li.; 1 barrill of oyle, in 1666, 2li.; July, 1667,
52 Quentals of marchantable fish, 39li. 13s.; Nov., 1667, 2 Quen-
tals of refuse fish, 18s.; total, 97li. 13s. 6d.

*Writ, dated Mar. 4, 1671-72, signed by Robert Lord,† for
the court, and served by Samuell Gidding,† deputy for Robert
Lord,† marshal of Ipswich.

Bond of Richard Endell,† dated Dec. 8, 1668, to pay to Jona-
than Wade for what provisions or goods he had received of said
Wade, in merchantable fish in June next at price current. Wit:
Nathaniell Wade† and John Leigh.† Owned in court.

On the reverse of this paper the name "Ralph Wascott"
appears.

Copy of agreement, dated Dec. 19, 1667, that the amount due
Wade should be governed by the current price of fish. Wit:
Thomas Wade and Gilbert (his mark) Coale.

Letter, dated 1ls of Shols, Aug. 7, 1665, from Richard Endell,†
"Mr Wade Sar my loue remimbred unto you sar whare as I spake
to you for seuentie too yeards of nouels I would intreat you to
gete me 77 yd of the best nouels that you Can get of won sort
& whare as I spake for 60 pound of Cordeg I would entreat you
to get me 80: or 90 waigh 30 of it of a ench & 1-2 & 1 quarter of
befe & 1 barell of Tare & the rest of the things & if I Can get
you 20 or 30li. this fale send me word wether you will haue it or
no. I haue reseued four Tun of salt & 700 C. 1 qt. 18li. of bread."

John Tetherly† receipt, dated 10 : 12 : 1668, to John Dich
for four hogsheds of salt for the use of Richard Endell on the
account of Mr. Jonathan Wade.

Copy of the record of a county court held at Boston, Apr. 30,
1667, in an action of James Whitecomb of Boston, merchant,
against John Paine of Ipswich, merchant, for debt, with verdict
for the plaintiff. Copy made, 23 : 1 : 1671-72, by Free Grace
Bendall,† cleric.

Thomas Wade, aged about twenty-one years, deposed that
he heard his father, Mr. Jonathan Wade and Richard Endall,
discoursing about the accounts, etc. Sworn in court.

† Autograph.

Deacon Wm. Goodhue, sr. v. Robert Collings. For refusing to deliver a colt of his taken up at Newbury. Verdict for defendant.*

Capt. George Curwin, aged about fifty-five years, deposed that in 1666 he bought fish at 26 rials per quintal, etc. Sworn, Apr. 22, 1667, before Jno. Leverett, assistant. Copy made by Free Grace Bendall,† cleric.

William Browne, sr., aged about fifty-seven years, deposed that he bought fish at the same price at Salem, Marblehead, Munhegin, Cape Boonwagine [Newagen] and Richman's Island. Sworn, Apr. 27, 1667, before Edw. Tyng, commissioner. Copy made by Free Grace Bendall,† cleric.

Francis Wainwright deposed the same. Sworn in court at Ipswich, Sept. 27, 1670, and copy made, Mar. 28, 1672, by Robert Lord,† cleric.

Nathaniell Wade and Thomas Wade testified concerning the last bond paid Dec. 2, 1669, by Richard Endall. Sworn in court.

Robert Dutch testified concerning delivering bread and salt to Endall. Sworn, Mar. 19, 1671, before Daniel Dension.†

*Writ, dated Mar. 18, 1671, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal of Ipswich.

Mathew Anable, aged about eighteen years, deposed that "this last winter was two year," he, living near Goodman Collins very often saw the latter's colt, which was of an iron gray color, and that he was no ambler. The colt was at that time very lean and small and the colt in controversy was not this colt, etc. Sworn in court.

Richard Brown of Nubury testified that the horse that Amus Stickni took up for a stray and which is now in Robart Collins' possession, was a lighter gray upon his body. Sworn, Mar. 26, 1672, before Daniel Denison.†

Robert Lord, jr., deposed. Sworn in court.

Ezra Roff deposed concerning the marks on his father's horse, which he declared to be the colt in controversy. Sworn in court.

Daniell Roff testified that this horse of father Collins, when deponent came from Nubary, turned up to the door where they used to keep him so that he could hardly make him go to the door of the house. Sworn in court.

Joseph Fowlar testified that his uncle Collinges horse had marks like the horse in controversy. Sworn in court.

Caleb Kemball, aged thirty-three years, deposed. Sworn in court.

Reinald Foster, jr., Isaac, his son, and Joseph Wells, aged about sixteen years, deposed that Deacon Goodhue had a colt

† Autograph.

Abraham Hasseltine and Elizabeth, his wife v. Thomas Knowlton. Appeal from the judgment of the Worshipfull Mr. Samuel Symonds. Verdict for defendant, the former judgment confirmed. Action was respitted until the adjournment the first of May, when both parties were to bring their books. Court did not concur.*

that went about their houses three-quarters of a year, etc. Sworn in court.

Thomas Giddinge, aged about thirty-four years, testified that he was at Goodman Collins' with his father Goodhue, and Collins' son showed them the colt in Goodman Lord's yard, etc. Sworn in court.

Thomas Sparke testified that being sent by his master to Nubery to inquire of Amos Stickny, etc. Sworn in court.

John Nash of Nubery deposed. Sworn, Mar. 26, 1672, before Daniel Denison.†

Siman Brogh testified concerning the marks of his master Collinses horse, etc. Sworn, Mar. 26, 1672, before Daniel Denison.†

Will. Goodhue, jr., deposed concerning the marks. Sworn in court.

Petter Rattelye deposed concerning meeting Goodman Colings near his house with the colt, etc. Sworn in court.

* Copy of the proceedings before the Worshipful Mr. Samuel Symonds, assistant, made by Samuel Symonds.†

Warrant, dated Jan. 19, 1671, to Abraham Haselton and Elizabeth, his wife, executrix of the will of Richard Langhorne, upon complaint of Thomas Knowlton, for not paying him for shoes to the value of 39s. 6d., also to Obidiah Bridges and John Lovell, as witnesses, signed by Samuel Symonds.†

Robert Lord, cleric, certified that Richard Langhorne of Rowley, in his will proved at Ipswich court, made his brother Thomas Langhorne and his daughter Elizabeth his executors.

Thomas Knowlton deposed that his books showed that Langhorne owed him for seven pair of shoes and one bushel of oats, etc. Sworn, Jan. 26, 1671, before Samuel Symonds.†

John Lovell testified that being in company with Thomas Knowlton and Abraham Knowlton when the said Knowlton showed Hasselton his book, and the latter owned the account to be the same as was shown him in Knowlton's shop. Sworn, Jan. 26, 1671, before Samuel Symonds.†

Robert Lord, jr., and Abraham Haselton deposed that being at Goodman Russe's, the glover, etc. Sworn, Jan. 26, 1671, before Samuel Symonds.†

† Autograph.

Robert Lord, jr., deposed that he heard Thomas Knowlton say that he gained 5s. by being sued before the Major, for they had given him credit for 5s. more than was in his book. Sworn, Jan. 26, 1671, before Samuel Symonds.*

Abraham Haselton deposed. Sworn, Jan. 26, 1671, before Samuel Symonds.*

John Tod and Ezekiel Northing deposed.

Thomas Knoulton's bill of cost, 6s. 9d.

Danill Wikom testified.

Complaint of John Pickard* and Abraham Hasiltine,* overseers of the will of Richard Longhorne, to the Ipswich court: That Knowlton altered the account upon his book, whereby the executors are discouraged and the fatherless children in danger of being robbed; that he told a pernicious lie before the Worshipful Mr. Simonds; and that John Lovill took a deceitful oath. John Pickard, James Bayly and John Johnson.†

Obidyah Briggess deposed that Thomas Knoulton desired that the words "to the best of his memory" should be entered before he took his oath.

John Pickard and Abraham Hazeltime deposed that when John Lovewell had given in his testimony and two persons affirmed contrary to what he had sworn, Mr. Simons seemed troubled, etc.

Johana Sargant deposed. Her mother mentioned.

Samuel Symonds certified on May 1, 1672, concerning the account: "This I say, it is a harde thinge for a Maiestrate to be put to remember which words were first, & which were last or such particulars in his hearing of a case, as to sware to it. But this I am sure of, & can freely sware to it, namely That I had noe partiall respect to Knowlton in the case.

"I thinke that the defendants, one, or both, gave occasion for knowlton to mention the tyme, who did readily speake to it, & desired me to write it downe while his oath was in debate. And it was before Judgment was given. Nor doth it contradict any thinge, spoken before in his testimony that I know of.

"If a deponent hath any thinge to ad to his oath, I know nothing against it, yea after he hath sworne, & it is usuall soe to doe, but then the majestrate saith upon the oath you have taken &c. Soe I verily beleeeve that the words were put downe before he first tooke his oath or if after (which I cannot call to minde) That I did say to him, upon the oath you have taken, you say soe & soe.

"The truth to be cleared is that which we should search out; and not catch at any omission or the like.

"Haseltine & his Atturney doe make the frame of their reasons

* Autograph.

† These three names written in the margin.

John Elithorp, in his own behalf, and as attorney to his mother, late wife and relict of Thomas Elithorpe, and also as attorney to his brother Nath. and sisters Mary and Abigaill Elithorp v. John Pickard and Ezekiell Northend, inhabitants, and in behalf of the town of Rowley. Verdict for plaintiff, a division of lands according to agreement of the town of Rowley, which ordered unto every man a proportion according to the land he was possessed of and the purchase that he made. They also found that Sumner, from whom this right was derived, was a purchaser and possessor of an acre and a half lot and that therefore the said Pickard or some other of the town should lay out and give to plaintiffs their full share in the divisional land according to the aforementioned agreement of the town, whether at Rowley Village, at Merri-mack river or elsewhere, and this to be done within one month or else the defendant or the town of Rowley pay to plaintiffs 75li.*

reflecting upon me, but I leave them to be observed in the answer of Knowltons to the reasons (so called) of Haseltine."

Abraham Haslton and Robert Lord, jr., deposed.

Abraham Hasiltine's† reasons of appeal, dated Mar. 20, 1671-2: executors, agents and attorneys are accounted legal testimony, and if it be said his wife is heir, the answer is that she is but one of four, therefore his interest is small; when we objected that some of the figures were altered in Noulton's book, Mr. Simons looking at the book, and the day being dark, he desired the judgment of Mr. Chute, who said he thought that in one line the figure nine had been altered to fifteen, but Mr. Thomas Baker excused it on account of the badness of the writing, etc.

*The proposition of John Elithorpe to the town of Rowley dated Mar. 4, 1671-72: that the town give him the proportions of land that belonged to his predecessor, Thomas Elithorp, deceased, with respect to the right of Thomas Somner, both in the Meremacke land and the village land, or wherever they have not had their proportions; and that the town appoint some one to lay it out to them that they may enjoy their father's estate as other men, although their father died in their non-age, for which he would give the town a discharge as attorney to his mother, brother and sisters.

John Elithorp† demanded this layout of John Pickard on Mar. 4 and of Ezekiel Northend on Mar. 5, 1671-2.

Copy of register of house lots in the book of lands in Rowley made by Samuell Brocklebanke,† recorder: "To Thomas Sumner one house lot containeing one acre and an halfe bounded

† Autograph.

on the south side by petter Cowpers house lot part of it Lieing on the west side and part on the east side of the streete.

"In the Regester of planting lots: To Thomas Sumner foure Acres and a halfe of upland Lyeing upon the North side of petter Cowpers planting lot the east end buting upon his owne house lot.

"In the Regester of the first deuission of fresh meadow in Batcheler meadow: To Thomas Sumner halfe one acre lying on the North side of petter Coupers meadow one end of it butting upon the brooke the other end upon John Burbankes meadow.

"In the litle meadow [torn] To Thomas Sumner halfe an [torn] neere to the north west part of [torn] brooke that comes out of the said [torn].

"In the first deuission of salt [torn] To Thomas Sumner one acre of salt marsh [torn] the North side of petter Coupers marsh.

"In the second deuission of salt marsh: To Thomas Sumner one acre lying on the east side of petter Coupers marsh."

Copy from the Town book of orders and grants, made by Samuell Brocklebanke:* "It is ordered and Agreed that the Commons which belonge to the towne of Rowley shall Rune fise mills from the Towne euery way where we haue proprietie if they be not laid out to any perticuler person It to the end euery man may haue an equall share in the commons According to purchase it is Agreed that euery Acre and halfe lot shall haue one gate and halfe a gate Also euery halfe Two Acre lot shall haue Two gates and a quarter. It euery Two Acre lot shall haue foure gates and one halfe gate: it: euery Three Acre lot shall haue Twenty two gates and the sixe Acre lots shall haue forty fise gates."

Copy from the book of grants and orders, made by Samuell Brocklebanke:* "it was agreed and ordered at a Leagall Towne meeting December the Twentieth in the yeare 1658 that Thir should be a deuission of all the land by merrimacke Bounded by the great Rocke to the end of [torn] and by the village Line Runing upward to [torn] proportion of Land is to be a hundred Acres [torn] Acre Lot or there abouts and the lots aboue a [torn] Lot to abote a third of there proportion according to purchase and the Lower lots of purchasers to haue ther proportion of that which the greater lots lye downe That is to say halfe as much as a two acre lot and the halfe Two acre lots to haue ten acres aded or twenty if it be there and will Reach it, and all the former Lots are to haue there proportion of lands befor the least lots come in for a proportion That is lotts which were noe purchasers and they are to haue Twenty Acres a peece if the Land which is to be Laid out will hould out And all the lots aboue m^r Phillips is to abait twenty out of a hundred except it be bad and some beneath M^r Rogers farme Bradforth streete end begining and

* Autograph.

soe bringing wetherfeild street and hollme street and soe goeing to edward hazons and soe comeing Round to John Smiths goeing up to John Pallmers and ending at Mr Phillip Nelsons he lieing Next to Newbery Line. At the same town meeting it was agreed that Mr. Joseph Jewett, John Pickard, Ezekiell Northend, [torn] and Thomas Abbot should divide every man's land at Merri-macke.

"According vnto a grant of the Towne for the deviding of a Certaine Tract of Land Intended for a village and to be proportioned according vnto purchase: by such men as the Towne chose for that end of the maior part of them and is now commonly called Rowley village land: After the grant and before the devisaion several selling there Rights therin, it was laid out vnto the purchasers and therfor now entered in there Names as it was giuen in by the survivors of those that were appointed to deuide (viz) John Pickard, Ezekiell Northend." Copy made by Samuell Brocklebanke,* recorder.

At a town meeting held 11 : 11 : 1653, Joseph Jewett, Thomas Mighill, Mathew Boys, Thomas Dickinson and John Pickard were appointed to proportion the Rowley village lands to the inhabitants of Rowley according to purchase and the selectmen were ordered to bound the said Village and report to the town. Copy made by Samuell Brocklebanke.*

Samuell Brocklebanke,* certified, Mar. 4, 1671-72, in the name of the selectmen, as to their appointment of John Pickard and Ezekiell Northend, the survivors of the previous committee, to show John Ellathorpe the division, etc.

Ezekiell Northend, aged about fifty years, testified that when Thomas Birkby had newly bought the lot of Thomas Elithorp, that had been Sumner's, Birkby desired to be released. Deponent went with him to Thomas Elithorp, who with his wife, was very resolute to hold him to his bargain. Afterward they told him that they had sold all their lands in Rowley and intended to buy in Haverill or Andiver. It was divers years after Elithorp's decease before deponent heard of her making any claim to any lands. Goodman Pickard and deponent agreed to doe for her as they had done for some others for quietness sake provided her children agreed, whereupon they drew up a writing and set their hands to it and were ready any day to attend it. Sworn in court.

John Pickard, aged about fifty years, deposed that eighteen years ago, a few days before the death of Thomas Elithorp he sent for deponent and other friends and made his will. He gave his wife thirty pounds and very little to his children, and said that after his debts were paid there would probably be not much more than forty pounds left, but his wife should have thirty of it because she could not manage the farm which he then rented,

* Autograph.

Henry Deareing v. Thomas Facie. Debt. Withdrawn.

Capt. Walter Price v. John Mascal. Debt. Verdict for plaintiff.*

Edmond Batter v. Wm. Reeve. Debt. Verdict for plaintiff.

Mr. Moses Maverick v. Hellen Chard. Debt. Withdrawn.

Mr. Moses Maverick v. Mr. John Giffard. Debt. Withdrawn.

and that he had sold all his rights in Rowley, so she had no where to betake herself. The widow came to him about five years since and said she thought she had a right to some lands and asked him to undertake the business for her to obtain it, proffering him pay, but he refused to have anything to do with it. Sworn in court.

Andrew Hed[de]n deposed. Sworn in court.

Johnnathan Plats and Abel Plats deposed that they went with the wife of Thomas Jons, who was the wife of Thomas Elithorp, to John Pickard's with a side of mutten which the latter received as his pay. Sworn in court.

John Willes deposed, Mar. 18, 1671-2, that being desired by Abigall Jones to go to Rowly to demand in her name some divisions of land about ten years ago, he went to Rowly to Ezekell Northen, who was both a lot layer and a townsman, etc. Sworn in court.

Thomas Burekbee, aged about fifty-eight years, deposed that about two years before the law was made that said that all deeds should be in writing, deponent understanding that Goodman Witcher who had bought Elithorp's lands in Rowley, had returned the said lands back again to Elithorp, that is, Sumner's lot, an acre and a half. Deponent agreed to buy it and paid him partly with a cow, with which his wife seemed to be discontented. Afterward deponent went to the farm called Cross's farm, and took Ezekiell Northend with him, and desired Elithorp to release him of his bargain and to deliver the cow again, but he and his wife refused. Deponent considered that Goodman Elithorp had no design to deceive him, because "he told mee severall times that my father had desired him to take care of mee when he came to New England & told mee that he would make mee deeds of Lands when I would & after y^e Law was made of making deeds in writing I sould it to Joseph Jewet deceased; & never askt any deeds of it nor gave any when I sould it, nor trobled myself further about it." Further that Elithorp never claimed anything in the town of Rowley except the privilege of a seat he had in the meeting house during his life.

*Writ, dated Jan. 15, 1671, signed by Hilliard Veren,† for the court, and served by Henery Skerry,† marshal of Salem.

† Autograph.

Robert Dutch v. Stephen Hasscott. Debt. For freighting. Withdrawn.

John Prockter v. John Norton. Forfeiture of a bond of arbitration. Verdict for defendant.

Mrs. Margret Giffard, attorney to Mr. John Giffard v. Jonathan Atherton, Timothy Mather, James Tunbridge and Obadiah Swift. Debt. Verdict for plaintiff.

Mrs. Margret Gifford, attorney to Mr. John Giffard v. Edward Richards. Debt. Verdict for plaintiff.

Mr. Jonathan Wade v. John Dymon and Mr. John Cutt. Debt. Withdrawn.

Mr. Jonathan Wade v. Thomas Holmes. Debt. Withdrawn.

Mr. Jonathan Wade v. Wm. Moore. Debt. Verdict for plaintiff.*

Mr. Jonathan Wade v. Wm. More. Debt. Verdict for plaintiff.

Rich. Kent v. John Tod. Appeal from a judgment granted by the Worshipful Mr. Samuel Symonds. Plaintiff being orderly called three times, made default and the court declared his bond forfeited. By consent upon a half entry, the case proceeded and the jury found for the defendant, the confirmation of the former judgment.†

*Bond, dated May 7, 1669, given by William (his mark) More‡ of York to Jonathan Wade of Ipsidge, for 14li. 5s., to be paid in good merchantable codfish at the Isles of Sholes. Wit: William Symonds§ and Robert Lord, jr.§ Sworn in court.

†Reasons of appeal of Richard Kent§ of Newbury received, Mar. 25, 1671, by Samuel Symonds§: that there was no evidence that Kent received any sack or sacks from John Todd, much less borrowed them; that he had two sacks which he delivered Harris; that he carried sixty bushels of malt in them was not owned by the said Kent; and that there was no witness but Harris who could not legally testify, being a party in the case.

John Harris deposed that in the year 1661, he being at Newbury loading a bark with corn for the Bay, Richard Kent of Newbury Oldtown, maulster, came to him to ship a parcel of malt to Boston to his cousin Bryden. He told him that he could not without sacks, and he said he had none, but he must send it because his cousin needed it. Deponent told him that Goodman Todd had some that he borrowed of Col. Temple and possibly he might borrow those, which he did and sent them to Boston. Sworn, Nov. 27, 1671, before Samuel Symonds.§

Wm. Thomas and Susanah, his wife, formerly wife of Robert Rogers v. Richard Dole. For withholding a debt. Verdict for defendant.*

John Porter, sr. v. John Porter, jr. Withdrawn.

Wm. Sargent and Joanah, his wife, late wife to Valentine Rowell v. Christopher Ossgood. Debt. Verdict for plaintiff.†

*Writ: Mr. Will. Thomas and Susanna, his wife, formerly Susanna Rodgers v. Ric. Dole, sr., of Nubury; for withholding 200li. due by bond, dated 27 : 1 : 1665, and for not performing an award made by Tristram Coffin, dated May 2, 1665; dated Mar. 20, 1671-2; signed by Robert Lord,‡ for the court; and served by Samuel Plumer,‡ constable of Newbury, by attachment of house and land of defendant.

†Writ: Wm. Sargent and Joana, his wife, late wife of Valentine Rowell and administratrix of his estate v. Christopher Ossgood; for a legacy of 7li. given by Ipswich court to said children of Valentine Rowell, when they ordered the estate of Thomas Rowell, his father; dated Mar. 4, 1671-72; signed by Robert Lord,‡ for the court; and served by William Chandler,‡ constable of Andover, by attachment of the land of Christyfor Ossgood at Andover, lying behind his barn.

Copy of the Ipswich court record of Sept. 30, 1662, concerning the settlement of the estate of Thomas Rowell, made by Robert Lord,‡ cleric.

Christopher Ossgood‡ certified, Apr. 1, 1665, that he engaged to pay all debts at Salem or elsewhere that his mother Coleman justly owed. Wit: Wm. Chandler‡ and Jno. (his mark) Loveioy. Sworn in court.

Wm. Chandler deposed that Margery Coleman, administratrix of the estate of Thomas Rowell, deceased, being at his house in Newbury, the widow of Vallentine Rowell hearing of her being there, came and demanded of her mother-in-law, now Margery Coleman, the 7li. which the court gave to her children. Deponent's sister Coleman told her that she had disposed of all her estate to her son Christopher and he was to pay her debts. Further she said that her brother Chandler had the writing in his house to prove it. Sworn in court.

John Pinde[r] deposed.

Samuell Martin, aged about twenty-seven years, deposed that when Thomas Rowell asked Christopher Ossgood whether he had any pay ready for him, he answered he had nothing but land that he could pay him in. Said Christopher desired deponent and Walter Write to take notice, etc. Sworn, 25 : 1 : 1672, before Simon Bradstreete.‡

Walter Write, aged about thirty years, deposed the same. Sworn, 25 : 1 : 1672, before Simon Bradstreete.‡

‡Autograph.

Ordered that at the next training day at Topsfield, the soldiers of the Village shall attend there and declare whether for the future they will train there or not. And as the major part of the said Village soldiers shall determine by vote, it shall be binding during the court's pleasure.

Richard Bedford, presented for living apart from his wife, was ordered to repair to his wife by the first opportunity of shipping upon penalty of 20li.

Sergt. Thomas White acknowledged judgment to John West.

Daniell Borman, constable of Topsfield, was fined for not returning his warrant for juryman.

Thomas Judkin had his license renewed for a year, also his license to draw liquor.

John Sorlah had his license renewed for a year, also his license for liquors.

Edward Hassen had his license renewed for a year, also to draw liquors for a year.

Frances Wainwright had his license renewed for a year.

Hugh Marsh had his license renewed for a year.

Wm. Lackester, convicted of stealing linen from Robert Ayre, was ordered to pay a fine and 15s. to the constable of Andover.

John Leigh, being called to bring in his prisoner, Wm. Holdred, and failing, court ordered his bond forfeited, he to pay charges to the constable of Andover.

Patrick Morrin, for offering abuse to the wife of James Watters, was ordered to be whipped and pay a fine. Upon his petition court remitted the corporal punishment.*

*Examination of Mary, wife of James Waters: "on Thursday last about noone, Patricke morril came to her house, her husband then being within, and her husband desired to entertain him courteously, I never saw him before; my husband went out of the house to a cellar out of doores to tap a barrel of cyder to make him drinke, the s^d Patricke continuing in the house with me and my child about 2 years old he called the child to him and asked the child," etc. He assaulted said Mary, who told her husband of it, and asked him not to leave her alone with him. "On Munday morning last my husband went by the iron works to cutt wood and as he sth saw & spake wth Patrick Morril

John Cheny dying intestate, court granted administration of the estate to Mary, the wife. An inventory amounting to 97li. 12s. 4d. was presented and there were three children left, John,

at the iron works, about noone I saw the s^d Patrick coming towards our doore w^{ch} I kept shutt, and he knocking I answered not, then he came and looked into the window and asked if my husband was not at home, I answered no: he then s^d may not a man light his pipe I s^d, I was not against lighting his pipe in a civil way (for I was afrayd of him being alone wth my child and no neighbours within call) so without bidding he opened the doore and came in, and went not to the fire nor offered to light his pipe but came directly to me . . . and the child cryed let my mother alone, then he tooke a wedg out of my hand, and s^d he would splitt my brains about the house & tramp them as smal as ashes . . . then I rose to goe out of doors and he stopped me and called me impudent & brasen faced baud, he stepping to the fire I caught up my child & went out of doores, and then he followed and fetched his horse and came up to the doore w^{ch} I was shutting & told me I would not best go any whither, but I sayd I would goe to the neighbours and as I was going he sitting on his horse s^d that if he had not his will of me now, the next time he mett me he would be the death of me, so I went to Edmund Townes house and he rod thither before me and stood in the doore, and s^d I should not come there I was better to goe home I spake aloud that I would come for all him or any such as he was, when I came in he went out & fetched his horse and came againe and I was telling Goodwife towne how the s^d Patrick had done by me, hee asked what it was that I sayd and Goodwife Towne replied if it be as shee say, you are a naughty man being asked why when she saw Patrick She did not locke her doore, she s^d she was afrayd & knew he might if he would come in at the window." Sworn, Dec. 19, 1671, before Daniel Denison.*

Mary Townes, aged thirty-three years, and her daughter Mary, aged about sixteen years, and Sarah, aged about fifteen years, deposed, on Dec. 18, 1671, that Patrek Morell came into their house upon one second day in the afternoon some time in December last and said that his master Lenord sent him to see if they had any cider to sell, and as he was speaking Goodwife Waters came in. The latter was crying and deponents thinking her husband might have been knocked on the head, asked her what the matter was, etc. Sworn in court.

James Watters' bill of cost, 2li. 11s. 8d.

Patrick Moron's petition that the bill of cost put in against him at the last Ipswich court by James Waters or John How be reduced, as he was charged more than the law allows.

* Autograph.

Mary and Martha. Court ordered to the son 20li. at the age of twenty-one, and to the daughters 10li. each at age or marriage with their mother's consent, the estate to remain in the mother's hand till they come to age, provided that if she married, security be given for the childrens' portions.

John Gillye and Thomas Clarke, jr. testified upon oath in court that they often heard John Tibb say that he was to serve his master, Capt. John Appleton, seven years. Court ordered that the said Tibb for his wife running away and charges his master was put to thereby, should serve his master one quarter of a year longer than his term.

James Carr acknowledged judgment to Ens. John Gould, for which he engaged to serve him one year.

Richard Bedfoudr acknowledged judgment to Abraham Perkins.

The town of Newbury having neglected to repair the "causei" over the marsh near Thurlayes bridge, upon penalty of 5li., was ordered to pay the fine. It was further ordered that it be forthwith made passable for safe travelling and to be fully finished and made substantial by Salem court next upon penalty of 10li. more.

Edward Stone, complained of for running away fourteen or fifteen times from his master Nathaniell Tredwell, was ordered to serve his said master one year after the term of his indenture.

John Hobs, for contempt in not appearing according to summons, was fined.*

Ordered that the treasurer pay 14s. to John Pearson.

Whereas the bridge near Thurlayes is in danger, court empowered John Pearson of Rowly to see it made sufficient, and the constables of Newbury and Rowley, to be assistants, with power to impress such help as necessary. It was to be finished by mid-summer, and those who neglected their duty should be liable to a fine.

Thomas Chubb, for stealing a horse, was to pay 8li. to Zachry Herick and 5li. to the country. For his misdemeanor toward

*John Hobs of Newbery was presented for swearing by God's blood and for night walking, threatening several persons. Wit: Beriah Browne and John Dole.

Robert Hebbard's daughter, court ordered that he be severely whipped, pay 40s. to said Hubbard's daughter, and be imprisoned until all be discharged.*

*Warrant, dated 18 : 1 : 1672, for the apprehension of Thomas Chub, upon complaint of Zachariah Herrick of Beverly, signed by Thomas Danforth,† assistant. Edward Mitchellsonne,† marshal general, appointed William Dodg his deputy.

Henery Herrick, aged about thirty years, deposed that he bred the horse. Joseph Herrick and William Dodg testified to the same. Sworn in court.

William Dodg and Joseph Herrick deposed that being at Roxbere, and meeting with Samuell Dunckcum, the latter said that he bought a horse of Thomas Chub. They asked him where the horse was and he said it was in the keeping of Joseph Grigs and when they saw it, Chub owned that he exchanged it for a mare. Sworn in court.

Warrant, dated 19 : 1 : 1671-2, to Mr. Wilson, keeper of Ipswich goal, for the imprisonment of Thomas Chub, signed by Wm. Hathorne,† assistant.

Complaint against John Rayment and Thomas Chub: On Nov. 21, 1670, John Rayment came to the house of Robert Heberd about noon and seeing the men of the house gone, went away, but returned at an unseasonable time of night when the people were in bed, bringing Tom Chub along with him. They changed their voices, said they were friends and had lost their way, and asked to come in and light their pipes. They assaulted Hannah and Elizabeth Heberd, cruelly abusing them. Chub's breath was strong with drink. Sworn by Hannah and Elizabeth Heberd, 26 : 1 : 1671, before Wm. Hathorne,† assistant.

Samuell Heberd and Moses Morgan, aged about fifteen years, deposed that the next night John Rayment came again, but the Heberds took no notice of him. Sworn, 17 : 5 : 1671, before Wm. Hathorne,† assistant.

Bridgett Love, aged about eighty-four years, deposed that Chub and Rayment came noisily into the chamber where she slept, supposing that the maids were there. "I caled & cried out hoe is thare: hoe is thare. John Hebbert hoe be you hoe be you but I heard noe Answer: which made me Redy to tremble what was the meneing of it." She would have come out, but her eyesight failed her and she had a young child in bed with her. Sworn, June 24, 1671, before Samuel Symonds,† assistant.

Bridget Luff, aged about eighty-four years, deposed that on the day following John Rayment, jr., came to Robert Hebbert's house and said to Hanah Hebbart, "dost think to have two Cows of mee dost but the shall haue no more of me then what

† Autograph.

In the complaint of Lieut. Thomas Puttnam v. Joseph and John Hutcheson about annoyance upon a common highway at Beaver dam, putting themselves upon trial by a jury and the case committed, the jury found the common highway at Beaver dam to be unsafe for travellers by reason of a mill and dam of theirs, court ordered that the dam be pulled down that caused the water to overflow so as to make the way impassable, or else sufficiently mend it as to be judged safe by Sergt. Richard Leach and Wm. Flint. It was to be completed by the next Salem court.*

the law will giue thee." She replied that he never owned a cow. Then he told her that he had heard that she had been to the grandjuryman to complain of him and when he found he could not frighten her, he began to flatter her and offered to get the grandjuryman and have it settled before her parents came home. Then Avis, wife of Thomas Chubb, sr., being there, said Hannah had better settle it, for she had heard such a case tried before and it would go against Hannah. About the same time John Rayment's cousin Mary Cook came in, and John asked for some cider to make his cousin drink. Hannah Hebert would not sell it to them at first, but at last she let them have a little, whereupon he said he would have her presented for selling cider, etc. Sworn, June 24, 1671, before Samuel Symonds,† assistant.

*On 10 : 4 : 1668, "Its ord'd by the Select men of Salem that a highway shall be Laid out begining at Richard Hutchinsons feild and soe to Runn to the Beauer Damn near to Serg^t porters Meadow & soe to the extent of the bownds And Willm Flint & Sergt. Richard Leach are Impowred to Lay it out And to make a returne to the select men. Copy from Salem town book, taken Mar. 22, 1671-2, by Wm. Browne, Junr.†

Lt. Thos. Putnam's bill of cost, 26s.

Tho. Putnam's complaint: He was riding over at Beaver dam with his wife and the water had so drawn away the gravel that was laid on the causeway on the lodges that his horse fell in with his hind legs near a foot and a half deep when his wife was behind him, so that they and the horse might have been spoiled. "Allso I haue no dart way ouer: the bridg is part of it Careyed out the Place: there is no fout way ouer but by wadding: the Cunstebel nath Ingrson Com to my house & said he was faint to put ofe his shoues & stockinges to Com ouer: I was greatly depriued of my neborhod; I am also depriued of the benefit of my on land where I formerly liued hauing Eight or tenn akers fenced in that hath much English gras for sheep & lames

† Autograph.

& nether sheep nor lames Can pase in the hieway with safty at beuer dam: I was faint to Carey my goodes to toune on horse bake that went with mr grafton wich is a great damag to me to go so often: & if I should be shut up wich I shall if they Can for ther Counant with John Porter senor is from a bout the first of nouember to the tenth of apriel: to be this long kept Prisnor will be the way to Ruene me & mine for euer, hauing no other way laid out to my farme but that: & they that spoyle the way Is Joseph huchinson & John huchinson by stoping the water with there dam at there saw mill from time to time before the mill went & sine," etc. Sworn, 20 : 1 : 1671 before Wm. Hathorne,* assistant.

Complaint, dated Topesfeld, 12 : 1 : 1671-2 of Willam (his mark) Nickles, John (his mark) Nickles, Zachery (his mark) Curtis, sr., of Rowley: "for want of the hiewaye at beuer dam wich is there waye to salam to the in Joyeing godes ordenences to the mill & to the market: the bridg being part of it Careyed out of the Place the water being Rased neare a foote aboue the timber that is left: the water being Rased in the hiewaye neare twelue fete together except upone on banke wich is a verey great damag unto them in there busines & might be a great damag to there Cattel & there one persones if they should venter ouer wich they dare not do: there fore they humbly sue for relefe it being both a toune & Cuntry hiewaye." This complaint was received, 20 : 1 : 1671-2, by Wm. Hathorne,* assistant.

Summons, dated 20 : 1 : 1671-2, to Joseph and John Hutchinson, signed by Wm. Hathorne,* assistant.

"By an order of the selectmen dated the 10 4 mo 68 Sergeant lech & Willum flint were to laye out a hiewaye from Richard hutchsones feeld to the extent of the boundes the way is layed out as foleth: from a great whit oak stump be twixt the said hutchsons feeld where the waye turnes to beuer dam we apoynt the waye to Rune where it is to the top of the hill neare where free mens hous was & so by the side of the fil to two trees at beuer dam: the trees be one on one sid the brouk & the other on the other sid neare the bound tree betwixt Tho Putnam & Robert Prince & from there to the uper end of Thomas Putnams feld two pole with out the fenc to a bound tree that be longes to Tho Putnam Robert Princ Jo Putnam & henry keney the stump to be in the midel of the hieway & the way to Run straight from thenc betwixt two walenut trees marked entring in to a ualea on the East sid of Tho Putnams bound tree: & from the north end of the ualea to a rock neare mr Rukes boundes that is in the way with a litel tre marked on the south East sid the waye neare the Rock from thenc Cros mr Rukes land as the waye Runes to a Red oake marked neare to a great whit oake burned at the bottom that stands neare about the line be twixt nath Putnam & mr.

* Autograph.

Ruck & this hiway to be tow pole wid from one end to the other witnes our handes 22th 8 mo 68 William flint* the mak of Richard leach."

George Corwin,* Thomas Putnam* and Henry Bartholmew,* a committee appointed by Salem to treat with Andover in relation to a better way from Andover to Salem, reported that they met, the Worshipful Mr. Bradstreete being present, and agreed "that the way from Andouer to Salem should Run from Andouer to Steeuens meadow and from thence vnto a new bridge which was concluded to be built ouer the riuier by the toune of Salem which bridge is built and finished and from the sd bridge it was agreed that the way should run unto Lifte^{nt} Putmans feilde leauinge a meadow caled Major Hathornes meadow to the westward of the hieway and soe to run betweene the land of Lift^{nt} Putman and Henry Keny unto Beauer dam bridge and from thence alonge the way laide out by order of the toune vnto Salem."

Copy of an agreement made 1 : 10 : 1670, between John Porter, sr., of the one part, and Joseph and John Hutchinson of the other part, and witnessed by Henry Bartholmew, John Putman and Rich. Leech, that said Porter pay to said Hutchinsons 40s. toward repair of the dam and also pay one-half the charge of the repair of the sluice and making it sufficient; that liberty be given said Hutchinsons to set up a saw mill on the said dam at their own charge, "pvided that they dam not upp the water untill the first of Novemb^r and that they lett it out on the tenth of the second m^o followinge that by longer stoppage the water the sd Porters meadow doe not suffer damage unless the sd Porter shall consent to any longer time.

"3^{ly} That soe longe as the sd Hutchinsons doe continue a mill on that dam they doe consent and agree to mainetaine and preserue the sd dam and sluice at their owne charge.

4^{ly} Further the sd Hutchisons doe confirme unto the sd Porter his heires and assignes forever the pcell of lande or meadow that he bought of their father beinge all that lieth within the fence runninge by the dam and that they will giue him a firme bill of sale for the same acordinge to law.

5^{ly} Libertie is hereby giuen by the sd Porter to the sd Hutchisons to raise the sd dam in hithe not exceedinge two foote hier then it now is and to doe it at their owne charge and to use all due meanes for the preservation of it from time to time and while the sd Hutchisons doe continue a mill there the sd Porter is not to dispose of any pt of the said dam to himself or any other person and whensoever the sd Hutchisons see cause to lay downe there mill they are to leaue the dam in as good repaire and also the sluice as they Receiue it from the sd Porter."

Copy of the record of the Salem court, 27 : 4 : 1671, in this matter, made by Hilliard Veren,* cleric.

* Autograph.

Joseph Houlton and Nathaniell Ingarson testified that they viewed the highway the day after the complaint was made, "and thar was no defect in it that we Could desarne but at the Eands of the Bridge thar was fouer or fiu holes that a beast foot might slipe in which holes was abought the bignis of a beast foot & the water at that tim wanted fiue or six inches of the tope of the bridge." They viewed it again 11 : 1 : 1671-2, "which we did withought any danger to ouer selues or horsis for the holes that is mentioned in the first veuinge was stopped & a firme Causway mad at both hendes of the Bridig & the bridge it selfe nothinge moued but only the louermost pece was floted by Reason of the waters flouinge ouer the tope of the Bridge which was at that time a bought our horsis mid lege. We doe further testifie that thar is a brook lieying neare the bridg which brooke we went thorough the depth of the water in that Brook did but just Reach to the horses Belye: we doe further testifie that going thorough the brook we meat Thomas putnam Jun^r & he Asked us whether we Came ouer the bridge & whether it was safe goinge thare we tould him that thare was noe danger as we did apprehend for we Came but Just now ouer the bridge: but he did not goe ouer but weent another way." Sworn, 22 : 1 : 1671-2, before Wm. Hathorne,* assistant.

John Putnam deposed that "sume time the last sumere I was at my brother thomas his hous: ther Come Cap^t Curwine and M^r bartellmew and they told me they ware to meett anddeuer men to treate about a hiyway which thay did: thay mett anddeuer men at the place appoynted: whare thay shewed to anddeuer men a new way from the riuier to a plac Caled steueneses meode which anddeuer men did exopt of to my understanding: but from the riuier to Salem ward ther was now agreement mad betwen Salem and anddeuer men that I hard yet I was with them all the time thay ware to gether that daye."

Jonathan Wildes, aged about twenty-one years, and Edward Putnam, aged about seventeen years, deposed that they went to the highway at Bever dam to see how high the water was and they found part of the bridge carried out of place and that the water stood above the timber that was left, by measure about a foot. In the highway they measured the water beside the bridge and it was three feet deep, also it was about twelve or thirteen rods flooded along the highway, and they dared not ride their horses over, etc. Sworn, 18 : 1 : 1671-2, before Wm. Hathorne,* assistant.

Zacheus Curtes, aged about fifty-three years, deposed that he was riding from Salem and came to Bever dam bridge where he passed with great danger. The water was so deep that his horse fell down and the water was over his head and if his foot had caught in the stirrup, he might have lost his life on the coun-

* Autograph.

Richard Kent was freed from trooping, paying four bushels of good malt to the use of the troop.

Mr. Baker had his license renewed for a year.

Ens. Goold had his license for beer and cider renewed for a year.

Mr. Peeter Duncan had his license renewed for a year.

Lott Connett attaching Walter Fairefield and not prosecuting, the latter was allowed costs.

John Dodge attaching Walter Fairefield and not prosecuting, the latter was allowed costs.

John Haukes was appointed administrator of the estate of Mr. Adam Haukes, late of Linn, and certain articles of agreement were allowed. He was to give to his mother Mrs. Sarah Haukes, certain land in Lyn; to Sarah Hauks, the daughter, 90li.; to Moses Hauks, son of John Hauks, by Rebekah, daughter of Mr. Moses Mavericke, one half of the farm of deceased in Lyn, at age; to Mr. Wm. Cogswell for the use of his wife, 90li.; to Frances Huchesson, 20li.; to Samuell Hutchesson, 5li.; to Thomas Hutchesson, 5li.; to Edward Hutchisson, 5li.; to Elizabeth Hart, 5li.; all the residue to John Haukes. This agreement was signed, Mar. 27, 1672, by Moses Maverick, John Hauks, Sarah Hauks, Wm. Cogswell and Francis Hutchinson. [Original on file in the Registry of Probate.]

Inventory of the estate of Adam Hauks, taken Mar. 18, 1671-2, by Thomas Newhall and Jerimiah Sweyen, and allowed in

try way. And so I Road to left Putnam & dried my selef & stayed all night wich I thought not to haue don before." Sworn, 20 : 1 : 1671-2, before Wm. Hathorne,* assistant.

William Nicoles, aged about seventy years, deposed that "he was Riding to Mr. Endecottes & henry keney told him he Could not get ouer at beuer dam: but I Road to se & when I Came there the water was Rased so hie with the dam stoping of it at the sac mill: . . . I durst not Rid ouer the bridg but went about by John Putnams: & sine I was Riding to mill with a grist & durst not Rid ouer but went with my grist by John Putnams: I haue Corne to Carey to Salem with my Cart the bridge at beuer dam is so spoyled that I Can not go ouer with my cart: & haue no other way but that exept I go a great way about where is woress way for me & my oxen than that was: the time that I have bin put by at this bridg hath bine this mo. of March 71-72." Sworn, 20 : 1 : 1671-2, before Wm. Hathorne,* assistant.

* Autograph.

this court: Household utensils, tools, furniture, land and buildings, etc., total, 817li. 11s. [Original on file in the Registry of Probate.]

Inventory of the estate of John Cheny of Newbury, who deceased Jan. 17, 1671, taken by Wm. Tittcombe, Anthony Somerby, George Little and John Webster, and allowed in this court: Land in Newbury, domestic animals, household utensils, grain, etc., total, 124li. 10s. 8d. after his mother's decease, his brother Daniel was to pay his heirs, 30li.; debt due from Richard Bartlett; debts due to Ens. Greenleafe, Tristram Coffin, Richard Kent, Mr. Woodman, Anthony Somerby, Amos Stickney, Wm. Chandler, Anthony Morse, sr., Israell Webster, John Knight, sr., Nath. Cheny, Mrs. Cottle, Capt. White, John Emery, sr., John Pearson, Richard Dole, Goodman Hassen, Joseph Plumer, Henry Jaquis, Mary Duell, John Webster, Daniel Lunt, John Dole and Doctor Bennett. [Original on file in the Registry of Probate.]

Court adjourned to May 1 at 10 o'clock.

COURT HELD AT SALISBURY, APR., 1672.

Mr. Moses Gillman's bill of cost against John Cluff, 1li. 8s. 8d.

John Sefarunce's bill of cost against Joseph Dafis, 2li. 3d.

Wm. Gerrish's bill of cost, 1li. 5s. 10d.

Will Neph's bill of cost, 9li.

George Pearson's bill of cost against Sam. Leavett, 2li. 6s. 5d.

Bill of cost of James Davis, sr., 19s. 4d.

Leftenant Challes' bill of cost against the town of Amesbury, 7s.

John Seference's bill of cost against Gorg Walten, 3s.

John Knowel's bill of cost against George Walton, 15s. 8d.

Nath. Winslo's bill of cost against John Jemson, 18s.

Isak Cossons' bill of cost against Robard Clemant, 16s.

Henry Dering's bill of cost against Samll. Foulsham, 1li. 13s. 6d.

* Writ: Capt. Wm. Gerrish of Newbery v. Thomas Davis and Mr. Richd. Dole, administrators of the estate of Joseph Davis of Haverhill; debt; dated Oct. 11, 1671; signed by Nath. Saltonstall,* for the court; and served by John (his mark) Williams, by attachment of meadow between George Corlis' and Jno. Haselton's. On Apr. 2, 1672, John Williams appointed Wm. (his mark) Neff, his deputy, who attached two calves, a tumbrill, wheels, an iron pot, pot hooks, trammils, iron slice, fire tongs, belonging to the estate of said Davis.

Joseph Davis* of Haverrill acknowledged a debt of 6li. to Wm. Gerrish of Newbury, to be paid in Indian corn at Boston.

* Autograph.

COURT HELD AT IPSWICH, MAY, 1 1672, BY ADJOURNMENT.

Nathaniell Lenard, upon his presentment, was fined.*

Thomas Lenard, upon his presentment, was fined.*

Thomas Andrews, upon his presentment, was fined.*

Stephen Johnson was discharged of his presentment.†

The Troops, upon their presentment, were discharged.‡

*Nathl. Leonard and Thomas Leonard of Rowley Village, Joseph, Daniell and Benjamin Bixbee, sons of Sergeant Bixbe, and Robert and Thomas Andrews were presented for breach of the peace, and some for swearing, upon a common fame.

†Stephen Johnson of Andover was presented for entertaining several young persons in his house at an unseasonable time of night and permitting them to feast and junket at his house. Wit: Steephen Osgood and his wife and William Barker.

Moses Tiler and Hugh Stone deposed that they lived a year in the house of Steven Jonson and never saw any disorder in the family.

Steephen Osgood, aged about thirty-three years, deposed, 10 : 3 : 1672, that Steephen Johnson told him, when he was at deponent's house last March, that Mr. John Broadstret and Wilam Barker came to his house one night when he was abed and asleep. Said Johnson let them in and told them there was tobacco, if they would smoke a pipe. Sworn in court.

‡Mr. Dudley Broadstreet, Mr. Nathl. Wade, Mr. Tho. Wade, Mr. Samuel Jacobs, Jno. Wainwright, Thomas Bishop, Elihu Wardell, Jno. Cogswell, Mr. Nath. Rogers, Mr. Samll Rogers, Mr. Ezk. Rogers, Mr. Jno. Burr, Jno. Lee, Edward Nealand, Mark Quilter were presented for disorder in Quartermaster Perkins' house upon training day in shooting pistols in the house after the colors were lodged and for breach of the peace.

Jno. Edwards, aged about forty years, deposed that "upon a trayning day Last sumer at this Towne I was attending at Quartermaster perkins's house drawing bear &c: for his Guests and being too & fro in severall Roomes of the House, I saw in one Roome these psons: viz^t M^r Dudley Broadstreet, m^r Nath^l Wade, m^r Samuel Jacobs, Jn^o Wainwright, m^r Tho. Wade, Thomas Bishop, Elihu Wardell, Jn^o Cogswell, m^r Nath^l Rogers, m^r Samuel Rodgers, m^r Ezk. Rogers, Jn^o Lee, Edward Nealand, m^r Jn^o Burr, Mark Quilter: In which Roome there was much disturbance & offence given to the master of the House by shooting of pistols in the Roome In soe much that the Quartermaster & his wife often went & sent to bid them Cease firing in y^e Roome:

who not wthstanding their earnest chardg & intreaties was Littl regarded soe that y^e Quart^rmaster was forced to throw open the Cagements, and bad them If they would shoot to shoot out there. Butt his words were little Regarded: for as I past I saw them shoot in the Roome: & soe much that soome in the Roome Complained: and after this one in the Roome cald for one dozⁿ of bear for Mark Quilter & I seeming to take noe notice without Mark had caled for it himself: M^r Samuells Jacobs sayd Bring half a dozⁿ of bear & we will have noe more, & If Mark Quilter will not pay for it I will. Soe I went & fetcht it for him that cald for it & sayd this is for you And then Mark Quilter Came downe to the barr, & ask^t If any thing was chardgd to his Acc^t. I answered Noe: He Replyed, & sayd nor chardg none wthout I call for it my self: only sayer hee give mee a pint of wine to drink wth them then Came up after the wine was Carried up. And many drank to him & I took Notice that Mark had two Cups full before him & another drunk to him, & he took the cup, but would drink little: & presently Thomas Bishop shooting under the Table: Mark complained & sayd is this the kindness you pretended in drinking to mee: &c. He stay noe longer with you, and about this time the light was putt out, soe I went to light it & the Quarter Master comeing up sayd sirs depart the Roome, for I will have noe such dessorder here; all being in a Tumult, & Mark very Angry, his cloathes were burnt with shooting under the Table. And Qu^r Master sayd Mark gett you gon for they will doe you mischeif; and I being lighting the light as the Qu^rmaster went downe still it was blowne out, as I did light it & Mark Goeing to Follow y^e Quar^rmaster two psons clapt too the door, & the Rest pressing about him: a pistoll was shott by some, but who I know not did the execution among the severall pistolls then shott. And Mark sayd you have lamed mee: I then did light the light, and Cryed out you have kild the man, and all the persons were hustling, and gon out of the Roome only two, that as they went presented & snapt their pistols at Mark as they went, he lying by the door & Bleeding: I vewing his wound saw a wadd sticking which I took out, it being on fire, & I Cryed againe, you have kild the man, for he lay speechless & Ready to dy away: Help comeing up presently Laboured to stanch the blood, & Qu^rmaster took care the Doctor might be sent for presently: I Goeing downe saw not any one of these psons mentioned but Mark left in any Roome of the house all being gon soe he was Carried away by those the Qu^rmaster desired to his owne house."

Mark Quilter, aged about forty-two years, deposed that he went to the quartermaster's to talk with Mr. Jno. Burr upon business. "when I told them I did not care for drinking, some answered & sayd you must kiss the cup then. . . . And I goeing to follow the Quartermaster was stopt by those that satt on each

Nathaniell Wood was fined upon his presentment for stealing about half a load of wood from Robert Lord, sr.*

Richard Dole was discharged from paying 2s. per week in behalf of George Major toward the keeping of Mary Duell's child, the said George being out of his time. It was further ordered that said George Major pay that amount for the keeping of the child and that the constable of Newbury have power to imprison him until he give security for the payment.

Nathaniell Knight and Mary Knight chose their father-in-law Robert Whitman to be their guardian, who gave security.

George Smith, upon his presentment, was found not feloniously guilty, but for his misdemeanor was admonished and ordered to pay costs.†

Andrews Peeters was fined upon his presentment, and was bound in five pounds that he shall come no more to Quartermaster Perkins' house except at court times.‡

side of mee: Mr Dudly Broadstreet & Mr Sam^l Jacob on one side; & Elihu wardell & m^r Thomas wade on the other side, and going to creep under the table was stopt by some holding my Coat behind; till watching my oppertunity gott from behind the Table & makeing Towards the door, it was clapt too, & some Cryed, here is the man, here is the man," etc.

*He was son of Obadiah Wood. Wit: Marshal Lord, Joseph Lord and Marke Quilter.

†Presented for taking and selling a sheep of Phillip Fouler's to Robert Peirse, desiring the latter not to send for it until night. Also for saying that he never took any sheep out of the flock of the shepherd when the latter was not present, when Mr. John Burr testified that he took one before sunrise. Wit: Robert Pearse, Phillip Fouler and John Perse.

‡Alexander Orhort deposed that Quartermaster Perkins desiring him to attend in the room where Obadiah Bridges, and Andrew Peters were, he saw said Bridges take Perkins by the shoulders, "Andrew Peters in y^e meantime pulling Quat'master by y^e hair & John Clarke sitting att y^e end off the table arose up & sayd unto Obadiah why doe you abuse the Quat'mast^r thus, shall he not be master off his owne house: Obadiah Answered Noe he shall not: then John Clarke Answered yea but he shall thereupon John Clarke went to obadiah Bridges & struck up his heeles & held him downe." Samll. Clarke was not present when this happened. Sworn in court.

John Clark's bill of cost.

Joseph Fauwler, aged about nineteen years, testified that he

was at his grandfather Kimbol's barn, and "I heard a ster in quartermasters new hauwse: and knowing my master was there I went In to quartermasters hauwse and when I kaeme in I asked the mayd what was the matter she told me she could not Tell I made to the Chamber where my master was: and in goyng I met with Jo Clark: I asked him what was the matter the sayd Clark told me that my master and the quartermaster was a quarreling: and sayd that obadyah stept in betweene: but I layd Obadyah soone at my foote: and I went op into the Chamber: and they where all Comming down into the lower Roome: and my master went out at the dore and in goyng out: the quartermaster took my master By the Coller: and stroke him: and my master did not lift op his hand agaynst the quartermaster."

Edward Chapman, constable, deposed that sometime the last winter Obadiah Bridges came to his house and asked him to go to the quartermaster's, where they found many persons in a hubbub, blood being drawn and the peace broken. Deponent called for silence and some then said that Bridges held Perkins while Peeters beat him or cuffed him and pulled his hair. The quartermaster said "carry Goodman Peeters to the stocks," and among them it was said if it had not been for John Clark, Perkins would have been injured. Deponent went with Peeters to the Major, but he was not at home, so he charged them to appear before Mr. Symonds in the morning, which they did, having Josiah Linden and Sander as witnesses. Sworn in court.

Andrew Peters and Obadiah Bridges affirmed that the quartermaster agreed to bear John Clarke harmless, and so the latter had reason to speak well of him.

Obadiah Bridges testified that he had some business with Goodman Peters at his house, and after they had finished, the latter invited him to drink part of a pint of wine and they went to the quartermaster's, etc.

Martha Huggins, aged sixteen years, deposed that the evening that the trouble between her master, Quartermaster John Perkins and the others took place, they were all "in the new chamber which wee commonly call the Kings armes." Mr. Matoone and Samll. Clarke of Portsmouth, and Serg. Thomas Waite being present with them were "in the lower roome where the family commonly keepeth." Deponent drew two pots of beer for them in the lower room. Sworn, May 2, 1672, before Daniel Denison.*

Thomas Smith, aged about twenty-four years, deposed that the quartermaster told him that Bridges was not to blame and did all he could for peace, and that he was as good a conditioned man as ever came to his house.

* Autograph.

Thomas Dennis' wife, presented for affronting the marshal in the execution of his office, was fined.*

George Major acknowledged judgment to Rich. Dole.

Upon complaint of Peeter Tappan against Robert Bedle, both were found faulty and fined.

Mr. Anthony Crosbie, presented for being drunk, was fined.†

Saml. Smith, aged about twenty-three years, deposed concerning hearing the quarrel from the highway as he was going out of town, etc.

*The marshal attempted to levy the execution upon the estate of Thomas Dennis, joiner. Wit: Marshal Lord and Phillep Foulter.

†Anth. Crosbie's‡ statement respecting the presentment to which Mr. Nelson and Wickam were witnesses: "Thay Testefie to sleepe and not to Drinke the law saith disgiесе occasioned by drinke not by sleepe and meannesse the want of thre or foure nights sleepe I conceiue might occasion as much disturbance that I haue uppon occasion watched with the sicke so longe and longer is suficiently knowne heere in this house it is not uery longe sence I sate upe foure nights together with a strainger beinge in eminent Danger as all the peopell in the howse Can tell I supose thay Can testifie all that while I dranke no maner of stronge drinke or uery little I speake not this in any way of excuse of myselfe Respectinge drunkennesse at other times for I haue Horible and abundantlie uery often prouoked god greued his people occasioned others by my exa[m]ple: abused my selfe spent my time and a greate part of my estate. Hazerded the liues and healths of those patients who haue Relyed uppon me for Cure by nelecting seasonable attendance as Rules of art Require. I speake not his for favours sake: But Concienciously accountinge my selfe bound openly and unfeinedly to Confese and acknowlige that great and grosse sine which I haue Beene gultie of and liued in so many years formerly to the great dishoner of god and greife of others & wronge to my selfe & estate: for which I desire from the Botome of my heart forgiueness & serius Repentance of god whome I haue cheefely ofended & also of all his people & all others whome I haue any way occasioned to be gultie of this great sin which I desire the prayers of all to god for me that I may uterlie forsake & neuer Returne to it as the dog to his uomit."

Jno. Todd, aged about fifty years, deposed that "being wth Marshall scerry at Doct^r Crosbie his house after the marshall had served his execution on the docto^r the doct^r fetcht up his horse & saddled him: when he had don he went into the house

‡ Autograph.

Peeter Jenkins was admonished upon his presentment.*

& came againe to the door presently & took hold of his horses mayne & there stood; & his wife followed him to the door & told Marshall scerry that he Could not gett him along wth him he would ly him downe by the way & sleep fo^r he had a botle of Licqu^rs in the house but shee could not tell where it was but she sayd that she thought that he got it at Newberry either at Merch^t Doles or at March^t [blank] which was to her great greife; Marshall scerry then sayd M^r Crosby lett us tast wth you; hee p^sently went In to the house as If he had gon to fetch it; & went up Into the Chamber & when the Marshall went to se why hee Came nott; he found him layd upon a bed & wee stood still about the door & when he had layd there about four hours he Came downe & as I was walking betweene m^r Crosbys & his Neighbours, I mett Richard Leighton who Cald to mee & Sayd Look Look the Doctor is drunk he Reeeth & I Lookt back towards the doctors house & I saw him staggering along agst the house houlding till he gott to the back side soe he Came Into y^e house againe & wee left him & the Marshall chargd Symon Chapman wth him to attend upon him." Sworn, Apr. 25, 1672, before Daniel Denison,† assistant.

Simon Chapman, aged about twenty-three years, deposed that he saw Mr. Crosbie walking in the orchard with Mr. Nelson in the morning and he was not then intoxicated. Mr. Crosbie went with the marshal of Salem to Ipswich about three o'clock in the afternoon, etc. Sworn in court.

Philip Nelson and John Wicom testified that the night before Ipswitch court at Mihilmas last they saw Mr. Anthony Crosbee laid in the highway, by the bridge next to the meeting house and asking him why he laid there and how he came there, he could give no rational answer. They lifted him up and he could not stand without leaning upon his horse. Sworn in court.

Mr. Jno. Rogers and Mr. Ezk. Rogers, witnesses to the presentment.

*Phebe Redington, aged about seventeen years, deposed that Peter Ginkens came to their house and his behavior was not as it used to be. He took the quart pot with some cider in it which she thought he drunk up, and then went down cellar and bade her draw some more. He took apples and put them in his pockets, went into another room, held down the latch of the door, and took the door off the hinges. He also took a writing and would not give it to her again. Afterward she was by the fire and he playing the fool in her way, she "gave him a shufe with one hand" and he fell down. When he arose to go away he asked where his horse was, when it was in plain sight. "He

† Autograph.

Court ordered that John Leeds' son be bound to Wm. Story until he came to the age of twenty-one years, provided he be bound by indenture to teach him his trade, also to read and write and give him a set of tools when his time is out.

The treasurer was ordered to pay witness fees to Mr. Ezek. Rogers and Mr. John Burr.

Quartermaster Perkins, presented for suffering gaming in his house at "shovell board," was fined.

Court desired Sergt. Thomas Burnam, with John Pearson, to view the bridge near Thurlayes and advise as to the best way to secure it.

Court being informed that the General Court had allowed the uniting of Rowley Village with Topsfield in one military company, appointing their officers as their own desire, they revoke their former order of March last, and declare that the said Villagers ought to continue in the military company with Topsfield and to attend all military service and exercise under the established officers of that company until they be released or otherwise disposed of by the General Court's order. Phillip Fowler was allowed 2s. 6d. for being employed by the court.

Laurance Clenton was discharged, his presentment not being proved.*

Richard Pryer (also, Bryer), presented for not living with his wife, not appearing but making escape, court ordered an attachment to apprehend him and put him into the house of correction, there to remain until he give security to live with his wife, before the magistrates of Ipswich or one of them, also to appear at Salem court. All persons were prohibited from entertaining him with either victuals, lodging or employment.†

got up on his hors and galipt away hooting and holowing and whisteled the dogg."

Daniell Redington, aged about fifteen years, deposed.

Peeter Jenkins was of Bromigum or Rowley Village. John Wild, sr., and Jona. Wild, were witnesses to his presentment.

*Presented for not living with his wife. Also for taking 16s. for three and a half days' work at Mr. Baker's, in painting a room, with his dinner every day.

†The complaint was made by his father-in-law, Thomas Hobbs.

Ordered that Goodwife Brabrook's presentment be left to Major General Denison to end.*

Josiah Clarke petitioned the court that he being enjoined to pay toward the keeping of the child of Sara Warr laid to him, might have liberty to put it out to some honest man until it be twenty-one years of age. Court ordered that he procuring such a person as the magistrates of Ipswich approved of to take him, said Clarke should be discharged of his payment.

In the case between Abraham Hasselton and Thomas Knowlton, court determined that Hasselton pay to said Thomas, 10s., which would be a final end of all differences.

Thomas Dennis acknowledged in open court that he had done the selectmen of Ipswich wrong, and thereupon the selectmen forgave him and withdrew their complaint.†

Edward Lomas, upon his presentment, was ordered to audibly publish the acknowledgment set by the court the next lecture day or pay a fine.‡

*Presented for breach of the Sabbath by carrying a half bushel of corn or pease with her in the morning when she was going to public meeting. Wit: John Burnum, sr., and John Burnum, jr.

‡William Goodhue, aged fifty-six years, deposed that about two months since, "metting with Goodman Lumase in the streett against Thomas frence asked mee if I herd any news I told him noe hee told mee that hee heard that m^r parker had written too some frinds in England consarning their difrences att nubury and that they had presentted his case too the arch bishoop of canterberry and I asked him againe howe the news should come and hee told mee that mr Saltingstall read itt in a letter in his hous." Sworn in court.

John Aplton, aged about fifty years, deposed that Edward Lumucks told him that Mr. Parker or his friends had sent to their Presbiterian friends in England, but deponent told him he did not believe it. Sworn in court.

Robert Payne, aged seventy-one years, deposed that Lummus said that Mr. Saltunstill read the letter in his house before his wife, son and daughter, when he was not present and that Goodman Leaver of Rowly was the man from whom Mr. Saltunstill had the letter. Sworn in court.

Thomas Leaver§ affirmed that what he said was that there "was some suspicion or feares least m^r parkers partie or some of them shold in writing impart ther troubles to some great ones of y^e presbeterian partie who of themselus as was feared might

† There is but a fragment of one paper relating to this matter. § Autograph.

Robert Adams was ordered to make public acknowledgment the next lecture day at Newbury or pay a fine.*

Given to the house 5s. and ordered to pay the marshal 10s. for serving warrants.

Information and complaint being made to this court of a disorderly and dangerous practice of running of horses near to houses and taverns to the hazard of themselves, children and other persons, contrary to the rules of modesty and sobriety, also of an uncomely, offensive and rude manner of riding very fast to and from meetings on the Lord's day and other public church meetings, it was therefore ordered and declared that no person within this county shall run any race with horses, within two miles of the meeting house of any town within the county under the penalty of 40s. for every such offence and whosoever shall offend in riding or running their horses fast to or from the meetings shall forfeit 20s., unless it be upon some extraordinary occasion or necessity. This order was to remain in force until the General Court take further order concerning the same, and was to be published at the courts of Ipswich and Salem and a copy set upon the meeting houses of said towns.

Will of John Dresser, dated Mar. 5, 1671-2, and allowed in this court: to eldest son John Dresser, he having received a considerable sum upon marriage from testator, all his lands in Brad-

inform the arch buship of Canterbury and soe giue ocation to our aduersarys to send ouer as farr as them conserved some generall buship or other to the Countrys hurt and desired m^r Saltingston if he heard any such thing to Doe for this country what good he cold in y^r behalfe."

Richard Thorlla, Edmond Mors and Juda Thorlla, wife of Thomas Thorlla deposed that they heard Robert Adams, at said Thomas's house, say that Master Parker had sent a letter by Mistress Crood to be sent to England, etc. Sworn in court.

Mary Lummes, aged about sixty-six years, deposed that Mr. Richard Saltonstall, Esq., was "at my husbands house about six weeks agoe, and asked me wether I would hear any news And I answered him I should be glad to hear it if it were good. he replied, you shall haue it as it is, thereupon he took a paper out of his pocket and read it to me," etc. Jonathan Lummas and Bethiah Deunish affirmed the same.

Major Denison, Capt. Appleton and Elder Payne, witnesses to the presentment of Edward Lumas of Ipswitch.

* See foot-note on preceding page (38), marked ‡.

forth street lots, land at Long meadow, at Cow bridge, at Bachelor meadow, at Oyster point, at the causeway toward Sawyer's island, at Mr. Dumer's farm and one gate upon the commons; to son Samuëll Dresser, half of the land in Ipswich not given to his son John, half of the land in Mr. Dummer's farm, his house, orchard and land, except the west end which he gave to his wife during her life, also land in Bachelor meadow, in the farm between Richard Clarke and Joseph Chaplin, at Hog Island and three gates upon the common; to his daughter Elizabeth Dresser, 100li.; to his wife Mary, part of the moveables in the house, two cows, one heifer, firewood, the sons Samuëll and John to provide everything necessary for her, and if they do not, then she is to have a portion of the estate given to them; sons Samuel and John, executors; to his apprentice Daniell Button, one pair of pincers, a pair of nippers, two paring knives and four awls, and the remaining part of his time to be set over to his son John; to his son John's eldest son John, a red heifer and to his daughters Mary and Martha, one calf each; to son Samuel's two daughters, 2li. 7s. Wit: Samuëll Brocklebanke and Miximilian Jewett. [Original on file in the Registry of Probate.]

Inventory of the estate of John Dresser, sr., appraised Apr. 26, 1672, by Maximilian Jewett, Lenord Harriman and Samuëll Brocklebanke: wearing apparel, household furnishings and utensils, grain, stock of leather, shoemaker's tools, tools, etc., total, 449li. 7s. [Original on file in the Registry of Probate.]

COURT HELD AT SALEM, 25 : 4 : 1672.

Judges: The Worshipfull Mr. Simond Bradstreet, Maj. Daniell Denison and Major Wm. Hathorne.

Grand jury: Corporal Jon. Putnam, Tho. Gardner, Edward

List of presentments, dated Mar. 27, 1672, signed by John Payne,* forman of the grand jury, in the name of the rest:

Francis Young was presented upon complaint of Caleb Kimball for using cruelty in treatment of said Kimball's oxen. Wit: Thomas Clark, jr., the tanner, Jno. Wooddam and Richd. Littleale.

Samuëll Watts of Andover was presented for misdemeanor to the name or person of Abra. Graves, son of Mark Graves, by sending a letter by said Graves to the goal keeper of Boston wherein he changed his name and styled himself "Sr Humphry pilltaile." Wit: Mark Graves and his wife, and Abra. and Mary Graves.

* Autograph.

Wolland, Nathaniel Pickman, sr., Isaack Williams, Frances Nurse, James Moulton, sr., Will. Vincent, John Norman, Wm. Merriam, Wm. Bassett, Tho. West and Tho. Pitman.

Jury of trials: Mr. John Gardner, Mr. John Ruck, Mr. Phillip Cromwell, Mr. James Browne, William Curtice, Nathaniell Beadle, Abraham Coale, John Dodg, Edw. Harrendine, Andrew Mansfield, Jon. Newell, jr., and Mark Bachelor.

Edward Woollan, being one of the grand jury and not attending, was fined.

Robert Bartlett v. William Beale. For a mare of plaintiff being killed and found dead in the ground of defendant. Verdict for defendant.*

*Writ, dated 19 : 4 : 1672, signed by Hilliard Veren,† for the court, and served by John Woldren,† constable of Marblehead, by attachment of the house of defendant.

Wm. Beale's bill of cost, 1li. 10s. 8d.

John Waldron, aged about forty-eight years, deposed that Robert Bartlet came to him to go to William Beale's field to see a mare that was killed. He saw that it was Bartlet's mare dead with a wound behind the shoulder, and when he opened her, he took out her heart and found the wound was between her ribs and her heart. Sworn in court.

Richard Rowland, aged about fifty years, and James Smith, aged forty-eight years, deposed that they viewed the fences and found that in many places there was not a board three feet high by measure, and some of Beale's children were mending it. Sworn in court.

Benjamin Parmiter deposed that he and five other neighbors appraised the damage in Beale's hay meadow at 20s. in silver and 20 bushels damage in his crop of rye. They saw eighteen inroads made through his fences by horses and they met with Thomas Pitman, one of the overseers of fences, whom they asked to go with them, but he said it was needless because he had recently been around Beale's fences, and they were sufficient. If there were objection made to the stone wall being too low, he answered that it was sufficient on account of the fall of ground on the inner side and brush growing near it. There was also no need of the sharp stakes, as they found in some of the broken places, and they cut them off even with the top of the hedge. Sworn in court.

Henry Stacy deposed the same. Sworn in court.

Adam Clarke, aged about seventeen years, deposed that William Beale came to his master's shop and said that there were horses using his field but he did not know whose they were. He also

† Autograph.

Mr. William Browne, sr. v. Abraham Allen. For denying plaintiff possession of a house and land. Verdict for plaintiff, the house, shop and ground to be delivered according to mortgage.*

said that he would not hurt them with any hand weapon but would set something in their way that would hurt them. Sworn in court.

Thomas Bowen and Thomas White testified that they were among those who viewed the damage on Apr. 26, and they tried to get Thomas Pitman and John Gachell, the overseers of fences, to go but they refused, etc. Sworn, 22 : 4 : 1672, before Wm. Hathorne,† assistant.

Thomas Pittman, aged about fifty years, deposed that as fence surveyor, he viewed the mare and found her in a field where there was no corn. Beale and his wife showed them the damage done and said that Goodman Legges mare and Mr. Kinges horses were responsible.

Thomas Bowen, aged upward of forty-five years, and Thomas White, aged about thirty-two years, deposed. Sworn, 24 : 4 : 1672, before Wm. Hathorne,† assistant.

Samuell Beale, aged about seventeen years, and James Beale, aged about fourteen years, deposed concerning damage in their father's field, etc. Sworn in court.

John Gatchell, sr., aged about sixty years, deposed. Sworn in court.

James Beale deposed that he found the mare dead and informed his father, who notified Thomas Pitman, the elder. The latter said it was Robert Bartlet's mare, that she was in the ferry lots and did a great deal of damage, and that Nathaniell Walton disowned her. Also that the overseers of fences looked at the sharpened stakes and allowed them. Sworn in court.

Rebeacka Waldren, aged about sixteen years, deposed that she heard Beale say in her father's house, etc. Sworn in court.

*Writ, dated 18 : 4 : 1672, signed by Hilliard Veren,† for the court, and served by Henry Skerry,† marshal of Salem.

Mortgage deed, dated June 30, 1671, from Abraham Alling‡ of Marbelhead, blacksmith, to William Browne, sr., of Salem, in consideration of 75li. 12s. 11 1-2d. to be delivered before June 1, 1672 in good merchantable dry cod fish at Marblehead, conveyed his new dwelling house and shop in Marblhead and ground belonging to them, "standing near a new shopp Mr Riddan now posses & by m^r Francis Johnson's dwelling house & by m^r Samuell Wards to the northeast of it." Wit: John Appleton† and Nathⁿ Mighill.† Acknowledged, 30 : 4 : 1671, before Wm. Hathorne,† assistant. Recorded, 26 : 7 : 1671, in book 3, folio 126, by Hilliard Veren,† recorder.

† Autograph.

‡ Autograph and seal.

John Smith v. Zachariah Goodell and Elizabeth, his wife. Slander. The defendant was allowed costs.*

Edward Richards v. Mr. John Geffords or Margaret Gifford, his attorney. Review of a judgment granted the said Gefford at the last Ipswich court. Verdict for defendant.†

Timothy Roberts v. Mr. Richard Hollingworth. Debt. Forfeiture of an obligation. Withdrawn.

*Writ, dated June 10, 1672, signed by Hilliard Veren,‡ for the court, and no return made. Bond of Zachariah (his mark) Goodell and Elizabeth (her mark) Goodel.

Bill of cost, 7s. 6d.

Plaintiff's plea: that he objects to defendant saying that she kept the abuses, which he was alleged to have committed, private for years and would never have revealed them but to save herself from damage against her in court. "Now if a woman might singly alone be so surcomstansed noe man can scap from suffering; but if I might be sufred to sware in my owne case I can safly sware that her charg and accusation is fals but let the considaration of the testamony the Nayborhowd that will say that thay neuer saw any hurt by me in that respect but do raly thinke that I am wronged and I hope that I neuer shall be left to Com-mitt shuch wickedness pray haue soe much charity towards me as to credit me in what I say: now I hop that no man can according to law be condemned without it be by the mouth of tow or thre wittnissis and in this case wher ther is noe surcomstanc in the Case to Joyne with her complaynt thus hoping to confidently believe as raly I dow that my grettest hapynes lyeth in that your worships are holly wiss and just and charitable."

Defendant's plea: the court was asked to judge of the legality of the attachment, for the law provides six days for the defendant to prepare his answer and testimony; the attachment was for slander but mentions no time nor place nor word of slander; defendant had said many things concerning plaintiff for many years upon many occasions and if common fame may be credited "it is not a very easy matter to slander the plaintiff." Summons appearing not to be legal, defendant requested a nonsuit.

† Writ, dated 13 : 3 : 1672, signed by John Fuller,‡ for the court, and served by John Ballard,‡ deputy for Samuella Hartt,‡ constable of Lin.

Copy of writ and record of the Ipswich court of Mar. 26, 1672, and of Sept., 1653, concerning this matter, made by Robert Lord,‡ cleric.

‡ Autograph.

Henry Roads v. Joseph Armitage. Trespass. For burning fence. Verdict for plaintiff.*

* Writ, dated May 3, 1672, signed by Hilliard Veren,† for the court, and served by Samuëll Hartt,† constable of Linn.

Henry Roads' bill of cost, 1li. 14s. 2d.

Thomas Marshall† certified, 3 : 2 : 1661, in a note to Corporall Androus, that "I am Content that Mr. Rods shall enjoy that pece or persall of land that was mine lyinge at the Iron workes gate which you bought of mee." Sworn in court.

Copy of deed, dated Oct. 25, 1651, Jno. Knowles of Watertowne to the Worshipful John Bex & Co., for the Iron works, a parcel of land in Linn, containing twenty acres and adjoining the land of Capt. Robert Bridges on the southeast and the Iron works land on the northeast, formerly bought of Mr. Tomlins of Lynn, said Bridges having been given power to give possession. Wit: William Osbourne and William Aspinwall, notary public. John Gifford, agent to Mr. John Bex & Co., assigned this mortgage, Mar. 16, 1655, to Joseph Armitage. Wit: John Hathorne† and Samuëll Johnson.† Acknowledged, by John Gifford, 24 : 12 : 1671, before Wm. Hathorne,† assistant. Recorded at Salem, 16 : 2 : 1672, in book 3, folio 141, by Hilliard Veren,† recorder, who also made the copy.

Joseph Armetage testified that being desired to run the bounds between Henry Rhodes and Olliver Purchas, on Apr. 4, 1666, they agreed as follows: from the river at the old field gate to a stump on which the fence stands on a straight line and so to a tree fallen in the corner of the ploughed land by a swamp side. Sworn, 26 : 2 : 1666, before Wm. Hathorne,† assistant.

Andrew Mansfeild testified the same. Sworn, 10 : 4 : 1668, before Wm. Hathorne,† assistant.

Oliver Purchis, aged about fifty-four years, testified that Joseph Armitage of Lynn went to the dwelling place of deponent the past spring and told him that he was going to set fire to the fence that stood upon the lot formerly called Knoles' lot and also that part called Mr. Rhoads' pasture. Later some one told deponent that there was a great smoke at the place and he went and found about forty rods burned. Joseph Armitage owned that he did it, at Capt. Marshal's house. Sworn in court.

Thomas Marshall testified the same. Sworn in court.

Joseph Armitage,† aged about sixty years, deposed that upon the land that Henery Rhodes bought, which was formerly Capt. Bridges, the latter caused all the best timber to be felled and squared and sold it to deponent twelve or thirteen years ago. When Capt. Marshall bought the land of Capt. Bridges, deponent and said Marshall joined partnership with him in a "colling

† Autograph.

Edward Humber acknowledged judgment to Capt. George Corwin.*

Edward Humber acknowledged judgment to Mr. Phillip Cromwell.

John Godfery v. Abraham Whittaker. For damage done him. Verdict for defendant.†

voyage" and so had the wood cut, and that said Marshall and his successors had held the land for the past twenty-seven years. Sworn, 18 : 10 : 1667, before Wm. Hathorne,‡ assistant.

Nathaniell Handforde and Andrew Mansfeild deposed that they went with Mr. Rhoades to Joseph Armitage to demand damage for burning his fence at his farm, but Armitage said the land was his, and later told said Handforde that he had given Rhoades warning, and would take the constable and pull down more of the fence and let cattle eat up Rhoades' corn. Deponents judged the damage to be 2li. 1s. Sworn in court.

Daniell Salmon testified that Capt. Robart Bridgis claimed and possessed the land which Mr. Henery Roads bought of Capt. Thomas Marshall, beyond the farm of Thomas Wheeler, from a rock on the hither side of a marsh which was his at the upper end and at the end toward the Iron works field to a great tree now lying down with one cut sawed off, which was felled by some of his servants, the line running to a great tree standing by the bridge of the Iron works field gate on a little hillside. Sworn, Aug. 1, 1665, before Samuel Symonds.‡

Daniel Salmon‡ further deposed that the land was bought of John Andros as well as Capt. Marshall, at the same time. Also that Capt. Bridgis possessed this land about twenty-four years since.

Monenah (his mark) Andereus testified that asking his master Capt. Bridgis how far his bounds extended, he showed him. The great tree by the swamp was near the pathway that goes to Mr. Bennet's. Sworn, July 7, 1665, before Daniel Gookin.‡

Monene Andreos further deposed that his master was the owner of this land at that time. Sworn, Sept. 24, 1667, before Daniel Gookin.‡

*Bond, dated Nov. 23, 1670, Edw. Humber‡ of Salem, blacksmith, to Capt. George Corwin of Salem, merchant, for 38li. 4s. 7 1-4d., to be paid in money, merchantable provisions or work. Wit: Isack Williams‡ and John Frie, jr.‡

†Writ: John Godfry v. Abraham Whitacre; for damage done him by defendant, who complained to John Williams, constable of Haverhill, that said Godfry had stolen three cows from him, obtaining a hue and cry, Godfry being apprehended and kept in

‡ Autograph.

John Dodg, jr. v. Tho. Fisk, Tho. White and Walter Fairefeild, owners or proprietors of the saw mill at Wenham. Trespass. For making a mill dam and thereby stopping a water course, so the plaintiff's meadow overflowed. Withdrawn.

Chrispus Brewer and Tho. Ivery were sworn constables for Lyn.

Edward Berry and Eliza, his wife v. Nicholas Woodbery. For withholding a parcel of land. Verdict for defendant.*

custody, and detaining them under the pretense of law without any prosecution of the hue and cry; dated May 6, 1672; signed by Anthony Somerby,† for the court; and served by Steven Webster,† constable of Haveril.

Writ: Abraham Whiticker of Haverhill v. John Godfery of Newbery; trespass; for illegally taking and driving away three cows out of plaintiff's yard in Haverhill; dated May 6, 1672; signed by Nathl. Saltonstall,† for the court; and served by Steven Webster,† constable of Haverel.

John Godfre's bill of cost, 16s.

Petition "of your poore distressed seruant," John Godfry to the court: that the constable John Williams had no authority according to any law to take away the cattle without a replevin, nor to grant a hue and cry.

Thomas Fowler deposed concerning Godfree's arrest by the constable, etc. Sworn, June 21, 1672, before Robt. Pike,† commissioner.

Thomas Dow and Darcos Dow deposed that about two years ago they were at Whitecer's house, etc. Sworn, 17 : 4 : 1672, before Simon Bradstreet,† assistant.

John Williams testified that he was at Whiticker's house lighting his pipe when Edward Clark told Goody Whitticker that John Godfry was driving away her cows, etc.

Thomas Dowe, aged about thirty years, and Dorcas Dowe, aged about twenty-four years, deposed. Sworn, 17 : 4 : 1672, before Simon Bradstreet,† assistant.

John Colby deposed that he was at Whetecar's when the attachment was served and heard him say that he received these cows of Sammuel Semmors upon John Godfre's account, etc. Sworn in court.

*Writ: Edward Berry and Elizabeth, his wife v. Nicholas Woodbery; for withholding a parcel of land, of which John and William Hascall had given a pretended sale, and which was given by will of Elizabeth Hardy to her daughter Elizabeth, now wife of Edward Berry, to be at her disposal without any relation to her former husband Roger Hascall, deceased; dated 14 : 4 : 1672;

† Autograph.

John Clifford v. Habbacuck Turner. For four hogsheds of fish laden aboard the said Turner's ketch. Verdict for defendant.*

signed by Hilliard Veren,† for the court; and served by Henry Skerry,† marshal of Salem. Bond of Nicholas Woodbery.†

Jacob Barnye, sr., and William Dodge, agents for Mr. Garvis Garforde, testified that they laid out to Roger Hascoll eighty acres of land of said Garford's lying between Lord's hill and Burch plain. Said Dodge further deposed that these eighty acres were sold by William and John Harskall to Nickolas Woodbery and he saw it delivered by turf and twig. Sworn in court.

William Hascoll, aged about fifty-five years, deposed that being with the widow Hardy before her death, he heard her say that she reserved for herself only one-half of the house and land at Draper's point, and that she had let her son Rogger Hascoll have the whole four score acres which lay in the woods by Wenham pond and which she had bought of Mr. Garford and that her son Rogger might give it to his children. Sworn in court.

Copy of deed, dated Mar. 6, 1667-68, John Hascall and William Hascoll of Salem, husbandman, for 75li., conveyed to Nicholas Woodbery of Salem, yeoman, 80 acres in Salem, near the bounds of Wenham, bounded by land formerly of William Lord, lately sold to several of the inhabitants of Wenham on the northeasterly land of John Rayment east southerly, land of Zachariah Herick west sotherly, and some land of John Leach and Wenham land northwesterly; also about three acres of fresh meadow, it being one-half of six acres that was Roger Hascall's, late deceased, nearby, on the westerly side of the Wenham Great pond; also two acres in Wenham Great meadow, bounded on the west by the bridge, with the meadow formerly Mr. Fiske's northerly, the meadow of Nicholas Howard easterly and of William Osbourne's southerly; also four acres of fresh meadow in Bunker's meadow, so called, bounded easterly by meadow of William Dodge, southerly by Edward Bishop, westerly by John Rayment, northerly, the Great river. Wit: Hilliard Veren, Ed. Groves and Tho. Rix. Acknowledged, 18 : 1 : 1667, by the grantors, the wife of William Hascall yielding her thirds, before William Hathorne,† assistant. Copy made by Hilliard Veren,† recorder.

*Writ, dated May 20, 1672, signed by Hilliard Veren,† for the court, and served by Henry Skerry,† marshal of Salem, by attachment of the house, if his, if not, a chest and two tables of defendant.

Habicek Turner's bill of cost, 7s. 10d., signed by John Gardner.†

† Autograph.

Joseph Wilaum and John Peckworth deposed that being in the company of Mr. Halbacok tornar and John Clifford, they heard Cleford demand an account of the goods said Turner had shipped with him according to a bill of lading. Clefford said if he would produce a receipt of the delivery of the goods to his agent and factor, he would be satisfied. Tornnor replied, "give me a pynt of wine and I will," but after the wine was drunk, he slipped away. Sworn in court.

John Pickworth and John Hill deposed that they heard Clifford demand an account and Turner called him fool and loggerhead, saying, "I will giue you none take your corse and do your worst." Sworn in court.

Bill of lading, dated Sept. 5, 1670, shipped by Mr. Jno. Clifford on the ketch Return of Salem, Habbakuck Turner, master, bound for Barbados, four hogsheads of fish, to be delivered to Mr. Anthony Toleman, freight for said goods to be paid in 450 pounds of good Muscovado sugar per tun, etc. Turner's receipt for the cask, contents unknown. Copy made by Hilliard Veren,* cleric.

John Herbert, aged about twenty-eight years, deposed that he was Turner's mate on the Return of Salem, and that the hogsheads were delivered at Barbados. Sworn, 24 : 4 : 1672, before Wm. Hathorne,* assistant.

Hilliard Veren, jr., aged twenty-three years, deposed that he heard Anthony Toleman in Barbadoes say that John Clifford of Salem had sent him by Mr. Turner, several hogsheads of fish. Sworn in court.

"Barbados: January 31, 1671-2.

"Lo: Cousin

"Mine & my wifes loue to yⁿ & yo^r wife & daught^r, hoping yoⁿ are in good health as I wth my wife & Childred are at y^e writing hereof, I haue rec^d yo^r letter & Rec^t by John Gardner w^t two hundred seenty & eight p^d of fish, and sixty foure pound of onions, I gaue a rec to Jn^o Gardner for thirteene p^d of onions More then I haue or did receiue, w^{ch} Mistake I desier may be rectified, I not hauing y^e w^t of y^e fish & onions when I gaue y^e rec^t, I haue disposed of sum part of y^e fish but haue not rec^d any goods yet, but by thee first opportunity I shall send yⁿ sum goods, yo^r Fish came to A very bad Markett, here being so much, and A man may buy as good Cod Fish as Neede to be spent for a p^d of sug^r a pound, I shall by the next send yⁿ more at large I borrowed a bagg of Jn^o Gardner to bring up the onions, & not hauing an opportunitaty to Carry it downe so soone as I should therefore I Desire yⁿ to make my excuse, If hee be Come away but I purpose to send y^e letter wth him, I speake w^t Antony Tolman about y^e fish, & he doth acknowledge y^e rec^t thereof, & saith y^t hee hath sent yⁿ seuerall letters & y^e Accompt w^{ch} he

* Autograph.

Samuell Knowlton v. Jno. Powlen. For not prosecuting his replevin.

Mathew Price v. Anthony Ashby. Debt. Verdict for plaintiff. *

Capt. James Smith v. Richd. Rowland. For intermeddling with the plaintiff's dealings and perniciously suggesting misapprehensions to people's minds in his dealings. Withdrawn.†

Capt. George Corwin v. Steeven Greegs. Debt.‡

John Leach, jr. v. Mr. John Emerson. Appeal from the judgment of the Worshipful Major William Hathorne. Verdict for defendant, the confirmation of the former judgment.§

makes no doubt but yⁿ haue rec^d, If yoⁿ Can by any Conuenienc send sum barr^{rs} of Pickled oysters, I shall make yⁿ honest returns w^{ch} is y^e needfull at psent, from

“Yo^r Lo: ffr^d & Kinsman

“George Maggs.||

“yo^r Vncle William Shingleton is dead & uncle Frances Carter & uncle Till are all Dead, and y^r sister Jean I married to one Dobbs and liue Just und^r y^e shopp at y^e beare. hee is a barbr surgeon. I doe expect nuse Euery day from Glost^r, no more at psent.

* Mathew Priss' bill of cost, 16s. 2d.

† Writ, dated 18 : 4 : 1672, signed by Hilliard Veren,|| for the court, and served by Saml. Morgan,|| constable of Marblehead.

‡ Writ, dated June 3, 1672, signed by Hilliard Veren,|| for the court, and served by Henry Skerry,|| marshal of Salem, by attachment of house and land of defendant.

§ Copies of the papers in this action, when brought before Wm. Hathorne,|| assistant:

Writ: Mr. John Emerson v. John Leach, jr.; debt due for 34li. received by Mary Edwards, now wife of John Leach; dated 23 : 2 : 1672; signed by Wm. Hathorne,|| assistant; and served by Wm. Sargent of Gloster, deputy for Henry Skerry, marshal of Salem.

On 30 : 2 : 1672, Hathorne found for plaintiff. Defendant appealed and gave bond, with Rice Edwards and Tho. White sureties.

Tho. Judkins of Gloster testified that being occasionally at Mr. Emerson's house at Gloster when Mary Edwards was there, her master Emerson then reckoned with her, and she owned the debt and engaged to pay 30s. in a short time to the merchants of Ipswich upon her mistress' account. Sworn, Apr. 29, 1672, before Samuell Symonds.

|| Autograph.

Richard Gooding deposed the same. Sworn, Apr. 29, 1672. before Samuëll Symonds.

James Davis, aged about thirty-five years, deposed that when Mary Edwards went away from Mr. Emerson's, she owed for a tammy coat and promised faithfully to come and serve it out. Sworn, 30 : 2 : 1672, before Wm. Hathorne,* assistant.

Bill of cost, 1li. 5s. 6d.

Letter of attorney, dated Apr. 29, 1672, given by John Emerson of Gloucester to William Sargant of Gloucester, to recover 30s. for some English goods had of him by Mary Edwards, now wife of John Leach, four years ago. Wit: Henry Walker and William (his mark) Haskell, sr. Acknowledged, Apr. 29, 1672, before Samuel Simonds.

John Leach's* reasons of appeal, dated 20 : 1 : 1672, and received, 29 : 4 : 1672. by Wm. Hathorne,* assistant: that he never had any dealing with Mr. Emerson whereby he could be indebted to him; that if Mary Edwards contracted this debt before marriage, she was in her father Ryse Edwardses custody, to whom Mr. Emerson came with much importunity to get Mary to dwell with him one year, and he consented on condition that said Emerson should pay as much as she could get for her service in any other place; that they asked her to stay longer, and when her father heard it, he, having engaged her elsewhere, went for her and demanded a reckoning of her master, saying if there was anything due to said Emerson, he would satisfy him, but Emerson would come to no account and Edwards took her away; "we humbly conceiue that if A mans wife liueing with her husband taketh up goods and promiseth pay afterward she obtaining a bill of diuore and she becometh another mans wife her Later husband would think himself hardly delt by if he should be forced to pay the debt especially if her former husband ware Liuing for whos use they were taken: but thanks be to god your humble Apelants wifes father yet lieueth whos dewty and care to cloath his children Liueth also," etc.

Mr. Emerson's bill of cost, 8s.

Answer to John Leach's reasons of appeal, made by William Sargeant,† attorney: that said Leach pleaded that the debt belonged to the father of his wife and as for Mary being under the guidance of her father and not capable of making contracts, they answer that nothing had been proved that her father ever objected to the contract with Mr. Emerson or others with whom she had contracted before, she being at the time about twenty-one years of age and coming to his service without necessary apparel; "that whereas it is aleged in the last reason that wheras M^r Emerson did alow the s^d Mary Edwardes for wages five poundes p annum the Father would willingly now demand seven powndes and p the same rule had she agreed for seven powndes he might

* Autograph.

John Godfrey v. George Corles. Forfeiture of a bond of 60li. in wheat. Verdict for plaintiff. Bond moderated to 45li. to be paid in wheat at 5s. per bushel.*

Jon. Godfery v. Daniell Ela. For being instrumental in prosecuting plaintiff in the name of Mathias Bitten. Withdrawn.†

Peeter Duncan had his license renewed for stilling strong-water.

have demanded nine: but her being of full age and the Fathers never contradicting or interposeing with the more than ordinary wages of a mayde Servant being 5^{li} p yeare doeth abundantly answer to which may be aded her great weaknes and distempers in the tyme of her servise: and for the debt sued for: it hath bene Legally proved & her promise of payment by a few weeks before her mariag: and to conclude the strength of the plt. reasones seeme to insist on the mistake of the party sued which should have bene the Father & not the husband the which at the best being granted, signifies but a non sute, the which is now too late to pleade."

* Bond, dated Feb. 17, 1664, given by George Corlis‡ of Haverill to John Godfry of Ipswich, 15li. 18s. and 70 bushels of wheat at 5s. per bushel, to be delivered at Carlton's landing place in Haverill. Wit: Anthony Somerby§ and Peter (his mark) Godfry, who made oath, June 17, 1672, before Daniel Denison.§

John Godfry's bill of cost, 43s.

Writ, dated Apr. 10, 1671, signed by Anthony Somerby,§ for the court, and served by Steven Webster,§ constable of Haverel, by attachment of the dwelling house and land of defendant.

†Writ: John Godfery v. Daniell Ela; for being instrumental in prosecuting him unjustly in the name of Matthias Bitten, and executing the judgment of court as the marshal's deputy, in his own case with rigor and cruelty, abusing the person of said Godfery; dated Mar. 22, 1671-72; signed by Hilliard Veren,§ for the court; and served by Steven Webster,§ constable of Haverel, by attachment of the dwelling house and land of defendant.

Copy of depositions taken from the Salem court files of June, 1669, made by Hilliard Veren,§ cleric.

Daniel Ela's bill of cost, 1li. 3s. 10d.

Thomas Linforth deposed that some time the past spring Daniell Ela brought him all the bonds that Godfrey had of his and said that deponent must pay all that was due, which was 20li., half of which he paid Ela in a pair of oxen. Sworn, Nov. 22, 1669, before Nathl. Saltonstall,§ commissioner.

‡ Autograph and seal.

§ Autograph.

Joseph Armitage, in behalf of the church v. Hen. Roads and Mr. Thomas Cobbitt. Defamation. Withdrawn.*

Mr. Jno. Higgenson v. Richard Lea. Forfeiture of a bond. Withdrawn.†

Nathanll. Putnam, informing the court that there were 60li. in his and Joseph Huchesson's hands of the estate of Jon. Lambert, deceased, and there being 120li. legacy to be paid to the daughter Abigail, court ordered that it be secured in their hands for the payment of this legacy as far as it would go. Anthony Ashby was ordered to appear at the next Ipswich court to give security.

John Smith and Elizabeth, wife of Zachariah Goodell, being bound over to this court to answer to several abusive and uncivil carriages between them, with which said Elizabeth charged said Smith, the latter desired to be tried by a jury, who found him guilty. Court ordered him to be whipped on the next lecture day in Salem and to remain in prison until the sentence be executed unless he pay 40s. Upon supplication of Anthony Needham and Giles Coree, who engaged to pay the fine and goal charges within two months, his sentence of being whipped was remitted.‡

*Writ: Joseph Armitage, in behalf of the church v. Henery Roads and Mr. Thomas Cobitt; defamation, for casting him out of the church because Capt. Bridges would have it so; dated May 2, 1672; signed by John Fuller,§ for the court; and served by Samuell Hartt,§ constable of Lin, by attachment of the house of Henery Roads.

†Writ: John Higginson, jr. v. Richard Lea; forfeiture of a bond; dated 18 : 4 : 1672; signed by Hilliard Veren,§ for the court; and served by Henry Skerry,§ marshal of Salem, by attachment of the house and land of defendant, summons being left with his wife.

‡Summons to constable John Suthwick of Salem, for the apprehension of John Smith, and Elizabeth, wife of Zachery Goodell, and to bring them to Mr. John Gardner's, dated 11 : 4 : 1672, and signed by Wm. Hathorne,§ assistant.

Summons also for witnesses, Gould and his wife, Tho. Flynt's wife, Coree's wife, Carrill's wife, Anne Needham and Kelam's wife, dated 15 : 4 : 1672, and signed by Wm. Hathorne,§ assistant.

Copies of the papers in the action before Wm. Hathorne, made by Hilliard Veren,§ cleric:

§ Autograph.

Lot Killum and Zacheriah Goodell deposed that John Smith, being at said Goodell's house, the latter's wife being present, said that he was sorry for what he had done to Goodell's wife and prayed God to give him repentance, hoping he should do so no more. Zacheriah replied that he wished God would give him repentance.

Edward Beachum and Zachariah Goodell were bound for the latter's wife Elizabeth's appearance.

Thomas Flint, Giles Goree, John Rubton and John Smith were bound for Smith's appearance.

John Tomkins, sr., John Small and his wife, John Foster and his wife, John Pease, George Jacobs and his wife, Eliz. Symonds, sr., James Symonds and his wife and John Tompkins, jr., testified that they "being nere neighbors vnto Elizabeth Goodell, the daughter of Edw. Beachom and having had acquaintance with her from her childhood to her marriage Do testify y^t according to our best observation and judgment shee hath been of an honist civill conversation & one y^t would not wrong the truth in her speeches."

Mary Corey, aged about forty-three years, and Mary Carrill, aged about thirty-five years, testified that Elizabeth Goodell told them that one time as John Smith, her brother-in-law, was working in a swamp near her house, he called to her for fire, so she carried it to him and laid it on the side of the brook, he being on the other side. He asked her to tarry and smoke, and she told him she had already smoked, so she ran away up the hill and he ran after her, etc. Also at another time he assaulted her when he fetched her from her house to help his wife when she lay in, so that she jumped from the horse on which they rode. Also when he was at Lott Keellam's digging a well, and once on a Lord's day while her husband was at meeting, etc. She said he was an ugly rogue and threatened to tell her husband, and that he had been uncivil to her ever since her son Zachery was a little boy, but she feared that if she told her husband, said Smith would kill her or her children or hurt her creatures. She told deponents that these things were true and that she would swear to them before the best magistrate in New England.

Hannah Flint, aged about twenty-two years, deposed that she was at John Smith's house at the time of his wife's lying in, and Elizabeth, wife of Zachary Goodell was there also, etc. Deponent heard said Elizabeth tell of lascivious language used by both herself and Smith, and also heard Patience, wife of Isacke Goodell, affirm to her sister's face, etc.

Patience Goodell and Hanah Kellum testified that the foolish words that their sister Elizabeth Goodell spoke to them about Smith were said in a jesting way.

Zachary Goodell declared to the court on his wife's behalf that

"he hath not found his wives affections in y^e least alienated from him, but she doth love and respect him as well if not better since these things between John Smith & her have bin reported, from y^e time of y^e first thereof unto this time as ever she did before."

Geyles Corey, aged about fifty-five years, deposed that Elizabeth, wife of Zackary Goodell, related to him that on a morning after she and his wife had been at the house of Nathaniel Carrell, coming into deponent's house, John Smith being there, said Elizabeth had been affronted by said Smith. Deponent asked her where he and his wife and daughters were. Her answer was that she was in the house and went up the ladder into the chamber and that his wife was near some bushes at the door taking in linen. He said if there had been anything amiss, she should have told him then, but when he came down he saw nothing but laughing and smoking. Elizabeth said that she was like to have broken her brother Smith's head with the ladle and his wife said if she had, there would have been but six pence or a groat to pay. Later Elizabeth told deponent that she knew he was in the house, etc.

Lott Killum deposed that his wife being lame from a fall that she received upon a rock, John Smith offered her abuse, and she told him of it at night. Whereupon deponent dealt with said Smith privately about it.

An Needham deposed that she and her husband were in Elizabeth Goodell's house, with the wife of Thomas Flint, when deponent's husband told said Elizabeth that she was foolish to have reported such stories, and she said that they would not have gotten out if she could have helped it. Also that deponent heard Nethanel Carall say that Elizabeth had said several times in his house this winter that she wished that the old folks were gone, etc. Also that the wife of Robbert Goodell told Hanna Flinte that in the winter time she told her old man that Smith and Betty were together very much.

John Harrod and his wife testified to the same.

The answer of Elizabeth, wife of Zach. Goodell: that the stories had been grossly exaggerated; that she had told what had happened to her husband and her sister Hannah Killum in private, but it had "come to the mouths of such talkers as have pverted the truth and made the matter appere far worse then euer it was to my great Scandall and reproach. Mary Gory & Mary Carril hearing of it came to enquire of me how it was, and I foolishly told my ptended friends what before I had told my Sister Killum;" that the reason she did not complain to authority was because she was afraid Smith would do her harm, as she was often alone with her children and remote from neighbors; that if she had complained and he had been punished, "what a

Daniell Butler, for fornication with Eliza. Stanly, was sentenced to be whipped at Ipswich "on this day wilbe afortnight," or pay 20 nobles and be committed to the prison at Ipswich until the fine be paid. He was ordered to give security to the town of Ipswich for the charges of the woman and child.*

Mr. John Higgenson, Mr. Joseph Gardner, Mr. Haskett, Mr. Lattamore, Good. Edmonds, Mr. Maverick, Mr. Ward, Mr. Jon. Hathorne, Mr. Jon. Gedney, Mr. Wm. Brown, jr. and Mr. John Corwin had their licenses renewed.

sad life should I have had with my Husbands relations, Again I hoped he would reforme & being a relation I though a privet healing might make it up, and I was some advised when it was known, not to complaine against him because it would as they thought ruin his family, he being desperate some times, I was resolved to complaine against him as Mary Gory & Mary Carril do witness I told John Smith I would & to that end did go downe the towne to acquaint Maj^r Hathorne with it but was discouraged by others and being foolish & not acquainted with the Law did forbear untill the Major was to go to the Gener^l Court and when he came home againe I pceiued that it was so spread abroad through indiscretion." etc.; that she was heartily sorry for her foolish words and "I desire to be humbled that I should any way be an occasion of filling the mouths of any with pfane and sinful words to y^e Dishonor of the Great God and the scandal of the Gospell. . . . And I desire it may be warning to mee & to us all never more to jest or speake foolishly vainly or slitley of such matters as should be cloathed with gravity & modesty, and I do acknowledge tis a dishonor to y^e Sect of women . . . but this I can truly say . . . I love my husband as dearly as ever I did and no man else with such a love and I thinke he will say that he neuer saw cause from mee to thinke the contrary . . . I desire that the truth should not be wronged nor yet that John Smith should suffer more then he hath deserved . . . I thinke my neighbours amongst whome I have lived in the north field can testifie that they never saw any uncivill cariage by mee from my Childhood untill I was married. The language John Smith used to me and the Actions were such as most tend to y^e way of his calling in dealing wth Cattel and not so like unlawfull dalliances tending to uncleanness."

* William Goodue, jr.,† Phillip (his mark) Foulter, jr., and Daniel (his mark) Butler of Ipswich, husbandmen, were bound May 20, 1672, to the prison keeper Theophilus Wilson, for said Butler's appearance. Wit: Josiah Clarke† and Samuel Wilson. †

† Autograph.

Richard Norman and Benjamin Parmiter had their former licenses renewed and Jno. Petherick had license granted to sell strong waters to his own company of fishermen for the ensuing year.

The wife of John Trask of Beverly, for fornication before marriage, was fined, Capt. Walter Price engaging to pay it. Said Trask was ordered to appear at the next Salem court.

George Peale and his wife, for fornication before marriage were ordered to be severely whipped on the next lecture day in Salem, unless they paid 50s. each. Four pounds being tendered for them, court accepted it.

Elizabeth, wife of Edward Berry, owned in court that she allowed her husband's will, particularly in the matter of the land in controversy.

Mathew Price made oath to the truth of his book and of the account of Anthony Ashby.

Mosses Ebborne and Sara, his wife, for fornication before marriage, were sentenced to be whipped on the next lecture day in Salem or pay a fine.

Martha Jewell, relict of William Jewell, renounced her intention to administer upon her husband's estate, and it was left with Capt. George Corwin, who was ordered to bring in an inventory to the next court.

John Stacy dying intestate, Elnor, the relict, was appointed administratrix and brought in an inventory which was allowed. She was ordered to pay to John, the eldest son, 10li., and to Mark, Grace and Edward, 5li. at age or marriage. If she married again her husband was to give security and the children were to be allowed as much again.*

*Inventory of the estate of John Stasie, deceased, taken Feb. 28, 1671, by Moses Mavericke,† John Deverix† and Samll. Ward: Hous and Land, 100li.; 1 Cow, 4li.; 6 swien, 3li.; fether bed, Rugg, 2 blankets, 1 paire of shetts, 2 pillows and pillowbes, bowlster, 5li.; 1 trundlbed with furniture, 3li.; 1 bed and furniter in the Chamber, 4li. 10s.; flax and Cotton, 1li. 10s.; 1 pewter platter, with some other pewter, 12s.; 1 bras kitl, 40s., 1 Letl bras kitl, 5s.; 2 Iron potts and hangers, 1li. 10s.; 1 frieng pan Chafing dish and a spitt, 5s.; 1 paier of bellis, 1s. 6d.; 4 old barells, 4s.; wooden and Earthen ware, 1li. 10s.; 2 sives, 3s., lantorn, 2s.; 1 mustkitt and sword, 1li. 10s.; 1 fowlling peas,

† Autograph.

Jacob Barney, sr., aged about seventy-one years, deposed that "Mr. Phillip Cromwell haueing declared to Cap^t George Corwin his former wife, his desire of a marriage betweene his son John & my daughter Hannah, I beeing told of it by m^rs Corwin, tooke occasion to goe to m^r phillip Cromwell's house to speake with him, he & his wife tooke me into a Iner roome, wheare he & his wife, did declare to me both their willingnes to haue it soe soe wee began to speake about the waye for their comfortable liueing, M^r Cromwell haueing taken a cold in his head, his hearing was then very bad, soe m^rs Cromwell began to speake to me, I turned to m^r Cromwell exspecting to haue their minds from him, he pceiuing it said that what soeuer his wife doth Ingage, he would make it good, soe amongst other things, shee spake as followeth, vidz: that if they did marry, they should liue with them, if they would & take their diett with them. If they did not like to liue with y^m they should liue in one end of their house & y^mselves at the other end of it, yf they did not like to liue soe, they should goe into the other house that was standing betweene their house & Thomas Cromwells house & said m^rs Cromwell, that is John Cromwells house, & their I will furnish for them two rooms, withall necessaries soe as for their ordinarye occasions they shall not need to borrow any thing." Sworn, 18 : 2 : 1672, before Wm. Hathorne, assistant, and also in court at Salem.

The will* and inventory† of Thomas Caly were allowed.

1li. 5s.; 1 wolling whell and Cords, 5s.; tining, 10s.; old Chests, 15s.; 1 Shovell, 4s.; betl, 3 wedges and axes, 10s.; fier shovell, tongs and gridiron, 2s.; 1 Coat and briches, 1li.; a parsell of old Cloths, 1li. 10s.; 2 shirts, 10s.; 3 paier of drawers, 5s.; 1 hatt, 5s.; 1 paier of shoes, 5s.; 3 paier of stokins, 7s.; money, 7li. 17s. 6d.; total, 144li. 9s. Debts owing, 10li.

*Will of Thomas (his mark) Caulie, without date, allowed upon oath of Mary, the relict: "I will that my depts be onestlie paied out of my estatt and for what thear is Left I giue to my wiff during horr liff as alsoe on third port of my hous and Land after my children doe Com toe agge the wholl of my hous and Land to remaien in my wiffs hand untill thay shall Com toe age and after hor deses I will that what thear shall remaien of this my estat shall return toe my Children toe bee equally devided betwixt them.

"I will that my Eldest son beniemann shall have a dubl portion of my hous and Land after my wiffs thirds is taken out and

†See foot-note on following page (58), marked †.

Whereas Sara, relict of John Marsh, deceased, and administratrix of his estate, having been married recently to one Nicholas Chatwell, and the estate of said Marsh having been ordered by the court, the children of deceased having a considerable part allowed them, court would not allow the security tendered by said Chatwell, but ordered that he be required to furnish 150li. as security, together with some other sufficient person, to the

the rest toe be devided betwixt my other twoe sons: my three sons paieing toe my daughter when thay Reseive thar portions the sum of twentie pounds to be paied by my sons equally when they shall be of age.

"I will that that parsill of Land which I gave to Fransis Gater as it is now staked [th]at he and his heirs for ever may peasably Inioy without any molestation from me or any of my heirs exexors administrators or asighns whearas I gave to my father palmiter a porsell of Land wher now his dwelling hous stands I desire that he may peacably and quietly inioy it during his liffe and after his deses he is to Resine up to my son beniemman Cawlie on third port of the saied hous and Land and to give him the refusall of the other twoe thirds paieng for it as an other will he is to have it it is my desir that Sam^{ll} Word and my father Beniemman Parmiter should be overseers to se this will performed and in case ether of them should die befor it be acomplished that then my wiff shall Chos on mor to Joyn with him that lives to se the same performed." Wit: Samll. Word* and Beniamen Parmiter.*

†Inventory of the estate of Thomas Caulie, taken Apr. 27, 1672, by Samll. Ward,* Richard Norman* and James Dennes:* One bed, 3 blankits, 1 rugg, 3li.; 1 bed, 1li. 5s.; 3 Iron potts, 1 Iron Skillitt, 1li. 10s.; tongs, potthooks and Crooks, 10s.; 1 frieng pan, 3s.; 1 bras skillitt, 3s.; 3 platters, 6 poringers, 1 pewter platter, 1li.; 6 Earthen dishes, 2s.; 1 pewter chamber pott, 2s. 6d.; 1 Smothing Iron, 2 heaters, 4s.; Earthen ware, 1s.; 1 old Chest and box, 3s.; his wearing Cloths, 1li.; 1 hatt, 4s.; 2 Musketts, 1li. 15s.; 2 whells, 8s.; 1 tow Conn, 6s.; 2 buckitts, 1s.; 2 Cows, 8li.; 1 heifer, 3li.; five swien, 3li.; 2 horsis, 9li.; 1 hous and Land Joyning to it, 70li.; 1 old Cort and sleed, 1li.; 1 ten acer lot, 30li.; to the reversal of an acre of Land after ye Death of my wife's father, 5li.; total, 139li. 17s. 6d. Mary, the relict, made oath in court.

Thomas Cauly, debtor to Wm. Browne, jr., 5li. 3s. 5d.; to Wm. Browne, sr., 4li. 9d.; to Hilliard Veren, sr., 2li. 4s. 8d.; to John Waldron, 1li. 10s.; to Daniel Weld, 18s. 3d.; to Ambros Galle, 2li. 5s. These debts were to be paid by selling as much land as the Court ordered.

* Autograph.

acceptance of the Worshipful Major Hathorne, Mr. Hen. Bartholmew and Nathaniell Felton, besides the house and ground.

John How was granted a license to draw and sell penny beer and cakes.

The highway that was laid out formerly by Mr. Jewett and Leift. Pebody between Topsfeild and Salem was allowed as a country highway.

Mr. Joseph Gardner took the oath of a freeman.

Theophilus Baily had his former license renewed.

Upon the presentments of Mr. John Hathorne and Robert Potter, for breach of the peace, both were fined and ordered to pay witnesses.*

*John Hathorne's bill of cost against Rob. Potter, 19s., and against Nicolas Potter, 9s. 6d.

Thomas Looke testified that having occasion to make use of Robert Potter to axle-tree him a cart when he fetched it away, deponent asked said Potter to go with him to Mr. John Hathorn's to drink, but they could get none. There was Danell Sallmon who had been drinking and there were several Indians in the house. "Robart Potter spake onto Mistris hathorne and saide I wonder why you will suffer danell sallmon to be heare and to be in this Condishon when you haue warninge to the Contrarey and suffer these Indions in youer howse in the night and in the daye for now is so meney dronke a dayes up andowne that I am afraide thaye will doe som mischife for I doe not knowe wheare thaye geatt thare drinke if thaye haue it not heare In the Introm of time John hathorne Came in Robart Potter spake soch like words to him John hathorne saide what doe you Com to quarill the other night you Came into my house. It repents me that I did not seatt you headlonge ought of doores and Robart Potter saide I Com not to quarill I had bisnes heare and John hathorne Came violently open Robart Potter and Thrust him backward and strooke him Two bloes with his fist and Then boath went ought of doares."

Robert Potter testified to the truth of the foregoing. Sworn, June 18, 1672, before Daniel Denison.†

Thomas Newhall, jr., aged about eighteen years, deposed that he and his uncle Robart Potter took several of Mr. John Hathornes shoats in their corn, and helping take them to the pound, they ran to Hathorne's house, where said Hathorne, his wife and children tried to prevent them from driving the shoats along, saying that they should not be impounded. Then Hathorne took up a piece of a pine board or a barrel staff and struck Potter, whereupon they struggled, Hathorne's children and wife

† Autograph.

John Hathorne, complained of for selling strong waters to the Indians, was fined and disenabled for time to come to keep an ordinary, one-third part of the fine to be allowed the informers, if demanded by them.*

pulling Potter by the hair of his head, so that a great deal of his hair was pulled off and his face scratched. Deponent unloosed Mistriss Hathorne's hands from his uncle's hair and then ran after the shoats into John Gillos' orchard, where they caught one and Hathorne and his son Jonathan Shoare forcibly took it from them. All this happened last Indian harvest. Sworn, June 18, 1672, before Daniel Denison.†

Ruth Potter testified that during the "combustion" between Hathorne and her husband Robert Potter, Hathorne struck her twice with a board, and one blow struck her down and the other hit her wrist, causing it to swell and be very painful. Sworn in court.

Thomas Newhall, Robert Potter and Henery Stasi testified that they heard that Hathorne said last Christmas day at night Joseph Collins had drunk seventeen quarts of rum in his house and many there were disguised with drink. Also that Joseph Collins' wife was so drunk that she had to be carried to bed and the reason why it was "smothered up" was because Mrs. Laton had a daughter among them. Sworn in court.

Danell Sallmon, aged about sixty-one years, deposed.

Thomas Bealle testified that he witnessed the fight and saw one of Hathorne's children striking Potter with something like a clapboard and Ebenezor Hathorne striking him with a knocker, which was used to split clapboards with, and he also saw Thomas Newhall, jr., etc. Sworn, June 18, 1672, before Daniel Denison.†

Robert Potter and John Burall testified that they were appointed by the selectmen of Lyn to warn John Hathorne not to entertain Danell Sallmon in his house, according to the law against common tipplers, which the selectmen considered him to be, and they gave the warning over a year ago.

Thomas Newhall and John Burall testified that they heard Mr. Leighton, in the name of and in the presence of the selectmen, give Danell Sallmon warning not to frequent John Hathorne's house. Sworn in court.

Robert Potter and Sarah Whood, his servant, testified as to Sallmon's being at Hathorne's disguised with drink. Sworn in court.

*Francis Burrill,† Robert Driver, sr.,† Thomas Townsend,† Henry Collins,† John Collns,† Henry Collins, jr.,† William Bassett,† John (his mark) Tarboks, sr., Joseph Collins,† John Newhall,† Edward (his mark) Irsone and Andrew Mansfeld†

† Autograph.

of Lynn, petitioned, June 25, 1672, to Salem court, against John Hathorne: "As being agreiued that the greate name of god should soe suffer, by his suffering such abuse in his house, by Letting both English & Indions haue too much strong drink, not withstanding the pvision, & consciencious care of our godlye rulers to prevent the same: which practise makes greatlye to the dishon^r of god, bringing guilt of sin: & Consequently the judgm^{ts} of god. — wee therefore, not onelye Uppon a Comon fame of such abuses at his house, but some of us haue been eye & care wittneses to the sad Complaints with teares of some poore women, touching their husbands frequenting of that house, to the misspending p^rscious tyme, wasting their estates & exposing their families to sufferings through want, & others of there Feares of them selues & children by reason of the Indions being soe frequentlye distempered with strong drinke, & this hath not onelye been a comon fame, of that house formerlye but still is, notwithstanding the godly counsell, & advise of his freinds to the Contraye."

William Clarke* testified that Goodwife Sallmon had complained much of this man to him, that he had suffered her husband to spend so much there to her grief.

Samuel Whiting, sr.,* testified that many Indians had been much disguised with drink in town, etc.

Thomas Laughton,* Thomas Marshall,* John Fuller,* Mathew Farington,* Thomas Farrar,* John Burrill* and Thomas Newhall,* selectmen of Lynn, petitioned the court, 24 : 4 : 1672, that the abuses at John Hathorne's might be stopped.

Robart Borgis deposed that at the last hay time he called on an Indian to help in the work, and he found him at John Hathorne's with a noted Indian called John Robins, drinking. When deponent asked him to come to work, he said bye and bye, and when he came he was disguised with drink. He said, "my hed no well. no work to daye," and that he had one pint of liquor for which he paid a shilling at John Hathorne's. Sarah Burgis testified to the same. Sworn in court.

Sarah Burgis further testified that she was a near neighbor to John Hathorne, having recently come to live there, and she had seen during the past summer several Indians come to her house so disguised with drink that she was afraid of them. One lay asleep in her yard several hours and she had heard several women say that they were afraid on account of so many Indians being about. Sworn in court.

John Hathorne's bill of cost, 1li. 18s.

Ebenazar Hathorne and Marah Hathorne deposed that about the middle of last June when their father and mother were gone to see their brother John at Mr. Cutts', there were some Indians in the house who desired some drink but they did not let them

* Autograph.

have any. At length, the Indians being in the other room, John, son of Thomas Newall, came to deponents with some money in his hand for a quart of beer and had it, it was understood afterwards, for the Indians. They refused to give him a half pint of wine. Deponents declared that the Indians had as much or more frequented Robert Potter's, for many times when the Indians were passing, said Potter's wife would call them in, and when they sat upon the green she would go and sit with them. Scores of Indians went by Potter's gate in the summer that never went into Hathorne's house, and as many came from toward Capt. Marshall's, disguised with drink, some of whom had come into Hathorne's house, and their father had turned them out, not only Indians, but English. Some of them said they came from John Gillo's house where they had cider. One came from thence in such a condition that their father beat him out of the house with a stick and the Indian went to their sister Shours' house and so frightened her that their father went over to see, but the Indian was gone. Sworn in court.

Robert Potter testified that he saw an Indian cutting wood at John Hathorne's door sober, and about an hour after saw him go up and down the street staggering and making a noise and he fell down. This Indian was in the stocks the next day for being drunk, the constable said. Ruth Potter testified to the same, and that he could not keep in the cart way. Sworn in court.

Robert Potter testified that about nine o'clock one night as he was passing John Hathorne's house, the door being open, he went in and saw two Indians at the table, with Hathorne standing beside them. There were two or three pots before them and one of the Indians had a gill in his hand. Deponent asked Hathorne why he allowed Indians there at night, and told him he was afraid they would do some mischief. "on of the Indions Called John Robins dronke onto me and I did drinke of the cup as the Indion gave me: and the drinke was likors and he saide Take a nother and then you no Tell I saide that shood not hindor me for Telling and after a few words went ought the next morninge I did heare that thare was a Indian Taken by the wach that night and Cared onto the Constables: I did aske the Constable what Indion It was as the watch brought onto him: he Tolld me it was one John Robins: and he toolld me that the Indian had three bottells of likors abought him," etc. The Indian owned to deponent that he was the one who drank to him. Sworn in court.

Ruth Potter testified that at another time they saw several Indians go into Hathorne's brewhouse and some into his orchard. And John and his son Ebenezer took liquors to them and when they came out they were drunk. Hathorne said that their money was as good as others'. Sarah Hood testified to the same. Sworn in court.

John Tarboks deposed that he and Henery Stacey were the

Zacheus Curtis, the elder, and Zacheus Curtice, the younger, and Zachariah Curtice, Abraham Redington, jr., and John Everitt, being complained of for smoking tobacco in the meeting house at Topsfeild, in the time when most of the people were met on a Lord's day, to the great offence of the assembly, were admonished and ordered to pay the witnesses, Ed. Bridges and John How.*

watch and met an Indian near Thomas Newhall's house, coming from John Hathorne's, where he said he had his liquor, etc. Sworn in court.

Robert Burgis and Thomas Newhall testified that as they were going into town on June 17, in the afternoon, they saw the Indian and saw him put in the stocks near the meeting house. The constable told the Indian if he would tell where he got his drink, he would let him out and he said that he bought it at Hathorne's when the latter was in Ipswich. Sworn in court.

Samuell Hart, constable, aged about fifty-one years, deposed. Sworn in court.

Sarah, wife of John Hathorne, deposed that the Indian came into the house drunk and she being alone was afraid of him. She took up a pair of tongs and got him out of doors, and she sold him not one drop of drink that day. Sworn in court.

Samuell Hart deposed that Thomas Looke declared that part of the testimony that he made oath to, he had never heard read, and that when Robert Potter read it to him, he did not read the clause relating to Daniell Salmon. John Hathorne said, "goodman looke if he did not read true yet my brother Major Hathorne did read it euery word," to which Looke replied, "there was such a noyes in Capt. Marshals house that he could not well heare & beleiuueing that potter had read it wright before he did not take so much heed." Sworn in court.

John, Sarah and Ebenezar Hathorne deposed. Sworn, June 27, 1672, before Daniel Dension.†

Thomas Stocker deposed that the Indian owned that he did not know what he said when he was in the stocks. Sworn in court.

John Davis, aged about thirty years, deposed that he had seen Indians drinking from a silver cup in Hathorne's house.

Joseph Collings testified that he had seen Indians there drinking rum, who asked him not to tell.

Margarey Sallmon testified that her husband had spent his money at Hathorne's house, "and when nothing was to get, he gott ouer howse and land." Sworn in court.

John Newhall and Henery Trevitt deposed. Sworn in court.

Jonathan Shoare and Ebenezur Hathorne deposed. Sworn, June 22, 1672, before Daniel Denison.†

*John Everard acknowledged, 26 : 4 : 1672, that he smoked in the meeting house with other company, but as soon as he was

† Autograph.

Bill of cost, against "ould cortis and his sonns," 1li. 3s.

Mr. John Hathorne was allowed cost in an action which Robert Potter did not prosecute against him.

Bills of cost were allowed Robert Potter and John Hathorne.

Court ordered that George Keaser be released from common training, provided that four of his sons attend common training.

Joseph Armitage, Richard Hutton and John Upton engaged to pay the county treasurer 40s. for said Armitage's fine, and also to pay the prison keeper.

Fined by Major Hathorne since 9 mo. 1671:

Jonathan Hart and his wife, for uncleanness.

Jno. Sothwicks son and daughter, for uncleanness.

William Smith, for pushing his wife.

John Floyd, for stealing.

Nathanll. Hun, for abusing the constable.

Nicholas, Mr. Cromwell's man, for excessive drinking.

Tho. Lyon, for stealing the second time.

Tho. Pidgen, for being drunk.

Mr. Theoder Price dying intestate, court granted administration of his estate to Capt. Walter Price, his father, and Ann, his wife, who brought in an inventory* of his estate. The estate was ordered according to an agreement drawn up by the parties concerned, as follows: that Anna, the widow, should have 80li. for her own use, she giving said Walter a discharge for her thirds; that said Walter should take into his care and bringing up the eldest daughter of deceased, Elizabeth, who was to have 60li. at age or marriage; that said Anna should bring up the younger daughter Anna, who was to have 60li. at age or marriage; the administrators were to give security for the childrens' portions, and if either child died, her portion was to be divided between the surviving child and the mother; that the widow should have all debts due the estate.

spoken to he put out his pipe, and is sorry that he should have given offence. He was so lame that he could not go to court at this time.

*Inventory of the estate of Mr. Theodore Price, taken Apr. 10, 1672, by Hilliard Veren, sr.,† and Edmond Batter:‡ Dwelling house and half an acre of ground, adjoining, with the outhousing, 160li.; a still with a worm, 10li.; pewter, a feather bed & bolsters, 2 pillowes & beers, a Rug, 3 blanketts, 1 pr. sheets, with

† Autograph.

The town of Marblehead presented for defect in the highway between the town's end and the place called the new bridge, was ordered to make the way good by the next Salem court or pay a fine.

Robert Pike of Marblehead, presented for living from his wife, gave the court satisfaction and was dismissed.*

bedsteed, curtaines & vallens, rods, rope mat & flock Bolster, 10li.; a truckle bed, bolster, rugg, 1 pr. blankets, 1 pr. sheets & appurtenances, 2li. 15s.; a square table & 6 Joyne stooles, 1li., 5s.; a round table, 10s., 8 leather chaires, 3li. 10s.; 14 chaires old & new, 16s.; 5 Cushions old & new, 7s.; a looking glass & 3 or 4 other bottle glasses, 16s.; a case of bottells, screw bottells, 15s.; 2 old pillowes & cases, 10s.; firepan, tongues, bellows, 2 Haukes, 10s.; a lock of gold, 5li. 10s.; a sleeke stone & brushes, 2s.; 2 small bibles, a written book of mathamatix & 2 or 3 old small bookes, 1li.; 6 silver spoones, wine cupp, waying 9 ounces, 2li. 14s.; a hand screene, 1s.; in the chamber, a feather bed & bolster & pillowes & 1 pr. Sheets, rugg, 1 blankett, greene curtaines & vallens & pillows, bedsted & appurtenances, 10li.; 4 pr. sheets, 50s.; 2 pr. pillowbeers, 8s.; 1 doz. ozenbridg, napkins & cloth, 2 dozen & 7 of most worne napkins & 6 cloathes, 2li. 10s.; 10 towells, 5s.; 6 bands & 2 or 3 old ends, 5s.; 5 shirts & 2 pr. drawers, 18s.; 6 capps & 9 neck cloathes, 1li. 6s.; 1 pr. Andirons, firepan, tongues, 12s.; a smale looking glass, 12d.; a trunk, 7s.; a chimney cloath, 5s.; 4 boxes, 10s.; a powdring tub, 2s.; som belly peeces & collers & som thred & som other trifles, 2s.; a pr. pistols & holsters, 1li. 10s.; about 7li. cotten yarne & 7li. flax yarn & cotten wooll, 1li. 8s.; 1 pr. cards & old baskett, 1s. 6d.; a quadron & gunters scall, 6s. 8d.; his wearing apparell, 7li. 10s.; a hatt, & 7 pr. of stockens with a chest, 1li.; in the kitchin, 2 Iron potts & pot hooches, 12s.; a frying pan, spitt, chafing dish, 5s.; warming pan, 8s., brass Kettell, 1li. 13s.; latten ware, 4s. 6d.; skillets, scumer, ladle & candlesticks, 14s.; pewter, 4li. 10s.; earth wt. ware & red ware, 10s.; Trenchers & dripping pan, 2s. 6d.; old butts, barrells, tubbs, & other lumber, 12s.; in cash, Rec. of William Hathorne, 1li. 10s.; the neager, 10li.; a hhd. of suger, 7li.; total, 260li. 1s. 2d. Also a belt, 5s. Estate debtor, to W. Price, 90li. 17s. 4 1-2d.; to Jno. Neal, 2li. 10s.; to New meeting house, 1li.; total, 94li. 7s. 4 1-2d. The pistols not being sould is abated 6s.

*Phillip Searls, late of Ottery St. Mary, in the County of Devon, in England, clothier, aged about thirty-eight years, deposed that "Robert Picks wife of Marbellhead who is Called and known by the name of Grace Picke and Liueth in Ottery St. Mary

† Autograph.

aboues^d hath in this few late yeares brought seu'all Leeters to this depon^t which Came from her husband Robert Picke out of Newengland and hath Requested, and desired this depon^t to read them for her in which Leeters this depon^t did see and read seu'all kind Inuitations for his wife and family to Come to him: And father this depon^t sayeth that hee alsoe read a Leeter sent by the s^d Robert Picke to his wife Grace Picke aforesd wherein the s^d Robert had taken order by one M^r Robert Barker of Waymouth to bring ouer his wife and Chlldren and alsoe to supplie them with what money they wanted for the voyage And farther this depon^t sayeth that hee hath heard the s^d Robert Picks wife often say that shee would neuer Com to him Notwithstanding all his care and prouission hee did still make for her Coming ouer And farther this depon^t sayeth that the s^d Robert Picks wife is Reputed to be a verey Loose woman in her life and Conuersation And to this depon^t's knowledge shee hath beene brought before a Justice of the peace in England for keeping a widdow man soe frequent in her house." Sworn, Nov. 10, 1671, before Edw. Tyng,* assistant.

Eneas Salter of Ottery St. Mary, mason, aged about forty-one years, deposed that Robert Pick's wife often asked him to tell her husband when deponent came to New England that she was married to another man. Also that she said to Mr. Lad that she would not come over, neither should his son go unless Mr. Lad brought a special order to take her son from her. Sworn, Nov. 10, 1671, before Edw. Tyng,* assistant.

John Robins, aged about twenty-three years, deposed that he was lately in England and having been desired by Robt. Pike to look up his wife, he accordingly did. "finding ye house in ye towne by inquiry hee knockt at ye doore & att last came downe stares a wooman w^{ch} he soeposed to bee his wife as soe appeared and this depon^t asked if Rob^t Pike did not liue heare shee made answer y^t formerly hee did butt where hee is now she could not tell: this depon^t made answer y^t then lately he did see him and y^t hee was uery well: she shortly made answer If hee were well hee would doe well to keepe himselfe soe: & she went away from me psently I not liking her disource had noe minde to goe in to her house and this depon^t saith further as hee was walking in ye path hee mett a man w^{ch} inquired of mee If I knew Rob^t Pike, I said I knew him & y^t hee was well, butt he made answer hee heard y^t hee was married againe; butt I made answer noe It was not soe: and this depon^t saith y^t hee told him he had heard his wife kept another man Company: then this man was uery angry for It appeared this was ye man: & hee said hee liued in ye house wth her and would as I soepose haue delt uery angerly by mee by his language & demeanor." Sworn in court.

* Autograph.

Alexander Steward, for sailing from Gloster on a Lord's day, was fined.*

Michaell Long, for setting sail from Gloster on a Lord's day, was fined.*

The servants of the house were allowed 7s. 6d., and 18d. to the servants of Mr. Gedneye.

Moses Maverick, aged about sixty-two years, deposed that about the year '51 or '52, deponent having discourse with John Bartle, deceased, "about the house was then building, I asked him for whome hee built it, his answer was that he bought y^e ground of John Deuorix and was building the hous for Edmond Chapman, & his daughter Joan whoe was then to be married." Sworn in court.

Parnell Bartoll, wife of John Bartoll, deceased, aged about seventy years, deposed that "I euer understood by my husband that y^e house was built for my daughters portion w^{ch} was to be married to Edmond Chapman." Sworn in court.

William Charles, aged about seventy-seven years, deposed that "old Goodman Bartoll & my selfe was ouer uppon the Island

Samuell Leach, aged about thirty-nine years, deposed that he had written several letters home to England for Pike to his wife and children, and had read several answers, which showed that she did not care for his company. He wrote one letter, which deponent said would have reclaimed a wife who had gone astray, but she did not answer. One, however, was received from his daughter in which she signified that it was in vain for him to write any more, for her mother wholly disowned him and claimed that his letters to her were counterfeit; that her mother had long kept company with a widower, a glazier, and that the daughter had had them both before a Justice, who ordered them to separate upon pain of punishment, but they continued as before, to the daughter's great grief, and were seeking means to be married. Sworn in court.

*Summons, dated 30 : 2 : 1672, signed by Hilliard Veren,† clericus, and served by Samuell Keettell,† constable of Charls-towne.

Samuell Elwell, aged about sixty-three years, and Joseph Elwell, aged about twenty-three years, deposed that "micakell Long being at Capan soum time in october last and set sayl on a Sabath day in the morning the sonne being a booyt three quarters of an houer hie." Sworn, 25 : 4 : 1672, before Simon Bradstreet.†

† Autograph.

together when the house was raised & Edmond Chapman came ouer to me, to Intreate me to go ouer to eat pt. of the victualls, & y^t y^e old Bartoll said to his son in law, Edmond Chapman, that theire hous is a good house for thee, and the said Chapman said, thank you father." Sworn in court.

Marke Pitman, aged about forty-eight years, deposed. Sworn in court.

Fined by Major Hathorne:

Daniell Salmon, for excessive drinking.

Owen Ende, for taking salt aboard his boat on a Lord's day.

Elisha Keebee, for stealing apples on a Lord's day. He was to pay 6d. for the apples to Tho. Greane.

"Sr Richard Briers is now in the house of Correction, according to order of Co^rt there to remaine untill he put in Bond to liue wth his wife & to appear at Salem Co^rt. The bearers herof are willing to Enter in bond for y^e latter, but not for y^e Former; the p^rsoner hauing much to say for himselfe, & if yⁿ please to accept of their security, & signify yo^r mind therin I shall readily joyn wth yⁿ not doubting but y^e Co^rt will well accept o^r doings therin

"May 9th 72 Yrs Daniel Denison."*

On the reverse of the foregoing paper: "To the Worsh^l m^r Sam^l Simonds." Also in another handwriting, "These For my Deare and louing sister M^{rs} Sarah Hubbert."

Bond of John Andrewes* and Henry Benet,* dated May 9, 1672, for Prior's appearance.

John Andrewes, sr., Henry Bennit and Samuel Graves testified that they heard Thomas Hobs say that Richard Prior should not come within his doors nor come near his daughter, and that there should not be any more of their breed, and also threatened him if he did come, etc. Sworn, June 20, 1672, before Daniel Denison.*

Inventory of the estate of Peter Commu, which was left at Jacob Pudeter's, taken Feb. 14, 1671-2, by Joseph Grafton* and John Grafton,* and allowed, in Salem court, 28 : 4 : 1672, upon oath of Jacob Pudeater, administrator: Three pare of Breches, 1li.; 3 Cots, 1li. 5s.; 1 Rug, 15s.; shewes & stockings, 10s.; 2 old sheets, 1 pare Drawers, 3 Hancachers, 2 Neck Cloths, 7s.; 2 hats, 6s.; a wascoot, 5s.; a belt & a pare of old Gloves, 4s.; a par of Drawers, wascot & a par of stockings, 6s.

John Massey, aged about forty-one years, testified that he went to Jacob Pudeter's house several times after Petter Commue came there in his great weakness, and said Petter declared that he was turned out of his dame Barresess house and from

* Autograph.

Mr. Humber's, where he thought he might be welcome for what was due to him for his former service. "theare uppon Comming to Jacob Pudeter Uppon a Saboth day at Night with Feseck to tak the Next daye Jacob & his wiffe was Loth to Intertane him Never the Les he contineued theare For the spase of A Fort-night In much weknes & the Afforsaid Jacob & his wiff desiring him to goe to goody Bareses Againe he saide he would Never goe thether Agen becaus of the great discatisy he had Reseved In turning him Away but he had mony In M^r Joseph Gardner hand & thoase that did most for him In his weknes should have what he had If god took him Away & If he Lived he hoped to make them a Recompense." Sworn, 28 : 4 : 1672, before Wm. Hathorne,* assistant.

Joseph Fouler, aged about thirty-one years, deposed that "being sent For to watch with Peter Comey one Night when he was very wek & the same Night It plesed god to take him out of this world. . . . seing him in a weke condition I desired to know of him how It was with him & how hee had ordered w^t he had he Answered that he was very wek but only For hys outward Astate he had Given Itt to Jacob Pudeter & his wiffe only a par of shews which he was not Abell to expres to how he Intended them." Sworn, 28 : 4 : 1672, before Wm. Hathorne,* assistant.

Inventory of the estates of Elias Young, William Yabsly and Edward Foster, lately cast away, taken by Bartlemew Gedny,* Erasmus James* and Christopher Latemer,* and returned June 27, 1672, to Salem court:

Elias Young, his aparill, bed & chest & Instruments, 11li. 17s. 6d.; his share of fish, 9 1-4 qtls. of Cod fish uncull'd at 14s. p qtl., 6li. 9s. 6d.; 1 qtll. of hadock & 1 qtl. of poluck att 8s. p., 16s.; his part of 4 1-2 hhds. of sault, 1li. 7s.; his prt. of baite 1 1-4 barill of makrill at 12s. 6d.; his pt. of a mast, 2s. 6d.; due to him from Jno. Leg, 12s. 6d.; due from Foster for sault, 8s. 11 1-4d.; total, 22li. 6s. 7 3-4d. Subtract 24s. his prt. of wt. hath been expended In wayghing the fish & our Time & other Charges, 1li. 4s. Debtor: to Erasmus James, 6li. 11s. 10d.; Eleazer Gedny his part for Rebuilding yr. boat, 3li. 5s. 9d.; Ambrose Gale, 1li. 2s. 9d.; Ambrose Gale his pt. for sails & Riging, 1li. 7s. 6d.; Bartlemew Gedney, 2li. 10s. 3d.; James Skinner, 33s.; Christopher [Nick?], 50s.; Samll. Lee, 50s.; Jno. Cob, 4s.; Wm. Nick, 49s. 8d. & more for stageroom; more to Wm. Nick for blubr. hogshed, 1s. 8d.; more to Richard Dill, 3li. 11s. 3d.; total, 27li. 17s. 8d.

Edward Foster, his aparill & beding, 8li. 12s. 6d.; his share of fish, 9 1-4 qtls. of Cod fish, uncull'd, at 14s., 6li. 9s. 6d.; 2 qtlls. of Refus fish, poluck & hadock at 8s., 16s.; 1 fouling peece, 20s., & 1-2 barill makrill, 1li. 5s.; total, subtracting his part of charge,

* Autograph.

15li. 14s. Debtor: to Ambros Gale, 4li. 9d.; Erasmus James, 5li. 10s. 6d.; Mary Trevet for washing, 20s.; Dixy, ferryman, 5s.; —, shoemaker att Boston, 18s.; And —, 24s.; Nicho. Wilis, 5s. 6d.; Ed. Homan, 8s.; Mr. Lattemer, 1li. 14s. 11d.; Jno. Stacy, 6s. 6d.; Mr. Brock, 18s.; Wm. Pitche, 26s.; Jno. Cob, 44s. 8d.; Jno. Clements, 30s.; Mr. Maverick, 5li. 1s. 7d.; Elias Yong for sault, 8s. 11d.; Wm. Yabsly for sault, 8s. 11 1-4d., more pould Mr. Browne, 12li. 3s. 8 1-2d.; total, 39li. 14s. 11d.

Wiliam Yabsly, his cloaths & beding, 4li. 7s. 6d.; 9 1-4 qtls, of Cod fish unculled at 14s., 6li. 9s. 6d.; 2 qtls. of Refus fish, 16s.; 1 1-4 barills of makrill at 10s., 12s. 6d.; pt. of an ould mainmast sould, 2s. 8d.; his pt. of sault not spent, 1li. 7s.; Edward Foster for sault, 8s. 11 1-4d.; total, subtracting charges, 13li. 1 1-4d. Debtor: to Erasmus James, 6li. 1s. 7d.; his pt. of Rebuilding the boat by Eleazar Gedny, 3li. 5s. 9d.; Bartlemew Gedny, 15s.; Ambros Gale, 1li. 9s. 1d., and for sails & Rigging for ye boat, 2li. 16s. 7d.; Wm. Nic, a blubr. Cask, 1s. 3d.; James Skinner, 4s. 6d.; Samll. Lee, 30s.; Jno. Cob, 1s. 8d.; Richard Dill, 3li. 9s.; total, 18li. 5s. 4d.

At Salem court, 27 : 4 : 1672, the appraisers of the estate were appointed administrators, who were ordered to pay the debts as far as the estate would hold out. It was also ordered that the boat's hire was to be accounted due only for the time being and the mooring and the stage room for the whole voyage, to be paid in proportion to the rest of the creditors, and return be made to the next Salem court.

Will of John (his mark) Neale* of Salem, being sick and weak, dated May 3, 1672, and proved in Salem court, 28 : 4 : 1672, by the Worshipful Major William Hathorne, Capt. Walter Price and Hilliard Veren: "Imp^r whereas it is to be under stood, as by the last will & testament of my fater in law, frances Lawes deceased the house outhouses & land adjoyning &c as is exprest in the said will will be to the use of my beloued wife while shee liues & further I doe giue & bequeath unto mary my beloued wife that pcell of land|| caled Tuckes lott|| containing about fower acres inclosed & lying in the Towne, for the time of her life, excepting on quarter of an acre of it, which s^d quarter of an acre to the northward corner next the highwaye I giue & bequeath to my Daughter Lidea Hart & to her heires lawfully begotten of her owne body, for euer.

"It I giue vnto my said wife, one dozen of napkins & a board cloath & 6 pillow beers, which shee shall make choyce of. It besides the bed & furniture giuen her by her s^d fater, I giue & bequeath to her, one third p^t of all my cattell and moueable goods & estat undisposed of heare after in this my will, that is to be understood when my debts are paid which my will is should

* Seal.

be paid out of that p^t of my estat to say my catell & moueable goods.

"It I giue vnto my son, Jeremiah neale, that dwelling house & all the ground adjoyning, (to say that house he now liueth in) except one acre of the land which I giue & bequeath to John my son Jeremiahs son, to be possest of it when he come of age, & alsoe excepting that end of the house from the chimney to the westward, & the use of halfe the oarchard & of about one quarter of an acre of y^e ground for a garden & yeard room & which my will is that my son John neale shall haue the free use of he keeping of it in repaire untill such time as my son John shall come to enjoy after his mothers decease y^e aforesaid pcell of land caled Tuck lott &|| then the whole to be to my son Jeremiah|| and alsoe, it is to be understood, that my son Jeremiah neale is to pay out of the said house & land, aforesaid, to my two grandchildren, Mary & Sara neale, his two children, ten pounds each of them paialbe at age or married, Alsoe I giue to my son Jeremiah that peece of salt marsh I bought of the widdow moore & alsoe a peece of fresh meddow, by goodells lott soe caled. It I giue vnto my wife the time of her life halfe that lott of ten Acres by Bracketts, for her use together with the other halfe, left her by her father & after her decease, I giue it to my son Jeremiah to Injoy it wholly to himselfe & his heares forever.

"It I giue to my son John neale, that pcell of land caled tucks lott after his mothers decease, as is intimated before, excepting y^t quarter of an acre giuen to his sister Lidea: alsoe I giue & bequeath to my son John neale, that ten acre lott caled Herberts Lott, and my will is that my son John shall pay or cause to be paid, to my daughter Lideas child Lidea, when she coms of age or married ten pounds out of y^e s^d Tuckes & Herberts Lott, & in case y^e s^d Lidea my grand child doe not suruiue tell y^t time then to pay it to y^e next of age of y^e suruiuing children of my daughter Lidea It I giue to my son Jonathan, the one halfe of the twenty Acres caled Loofes lott, be it more or less: It I giue & bequeath to my son Jeremiah, my son Joseph & my daughter Lidea that fiteene acres land, caled watsons & Hales lott, to be equally devided betweene them, only it is to be vnderstood that my will is that the third p^t to my daughter Lidea, is to be to her & [her] heirs lawfully begotten of her owne body for euer It I giue to my son Joseph, that Acre of salt marsh adjoyning to the land of John Rowden

"It I giue to my Daughter Liddea: & to her heirs lawfully begotten of her owne body, the other halfe of Loofes lott soe caled, provided her mother, doe see cause & she cary it to her mother in a dutifull & penetenciall maner It I giue vnto my son Jeremiah neale & his son Jon: to my son John, Jonathanan, Joseph & daughter Lidea, that swamp caled Adameses swamp,

to be equally devided betweene them & my will is that my Daughter Lideas p^t is to be to her & to her heires lawfully begotten of her owne body It after all my debts are paide my will is & I giue & bequeath the other two thirds of my cattle & moueable goods & estate to be equally devided betweene my fue children to say Jeremiah, John, Jonathan, Joseph & Lidea.

"I doe desire my Loueing freinds, major w^m. Hathorne, Cap^t walter price & Hilliard Veren sen^r to be my ouer seers of this my will to whome I refer the deuission of that p^t of my land to be devided or goods, amongst my children, soe that it may be equall & for theire peace. Lastly I doe appoynt my beloued wife, & my son Jeremiah to be my executors of this my last will and testament." Wit: Wm. Hathorne, sr.,* Walter Price* and Hilliard Veren, sr.*

Inventory of the estate of John Neale, taken 5 : 4 : 1672, by Hilliard Veren* and John Pickering,* and allowed, 28 : 4 : 1672, upon oath of Mary, the relict: Four acres of land inclosed called Tuckes lot, 90li.; a dwelling house in which Jeremiah Neale lives with the ground adjoyning, about 5 acres, 150li.; 3-4 of an acre of saltmarsh bought of widdow more, 7li. 10s.; about 3-4 of an acre of fresh meddow by Goodells lott, soe called, 7li.; 5 acres of land by Good: Brackett's, 10li.; 10 acres called Herbert's lott, 25li.; 20 acres more or less called Loofes lott, 40li. 15 acres called watsons & Hales lott, 35li.; an Acre more or less of salt marsh by John Rowden's, 10li.; about 8 acres of upland & swamp called Adamses swamp, 30li.; 5 cowes, 15li.; 6 oxen & 3 steers, 39li.; 3 yearlings, 2 calves, 5li.; 1 horse & 2 mares, 3li. yf alive, 8li.; 18 ewes, & weathers & rams, 11li. 4s.; 4 swin with sucking piggs, 2li. 4s.; about 5 acres of pease upon ye ground & other graine, worth little by reason of the drought, 2li.; two or three old tumbrells, slead, chaines, yoakes, plowes, wheele barrow & other plow tackle, 5li.; two guns, the lockes defective, 3 blades of swords, powder & bulletts, 1li. 10s.; salt meat, 20s.; bacon, 30s.; 3 hives of bees, som decayed, 10s.; 50 Bushells Indian corne at 30d. p., 6li. 5s.; 4 Bushells pease, 13s. 4d.; 9 Bushells mault, 1li. 16s.; dung forecks, pitchforkes, howes, axes, shovells & other tooles & old seithes, reap hoockes & other lumber, 1li. 10s.; tubbs, barrells, pailles & other lumber, 10s.; pewter, 3li. 6s.; brass kettles & 2 candle stickes, pestle & mortar, 3li. 4s.; 3 old Iron potts & drippin pan, 1li.; 3 bras scilletts, chafindish, brass pott, warming pan, 1li.; tin ware, old earthenware, trayes & dishes, 10s.; fetters & old horse tackle, grinston, 12s.; 3 old spining wheeles, 7s. 6d.; a hauck, Andirons, tongues, fire shovell, bellowes & spitts, 10s.; old booke & bibles, 1li.; 6 pillow beers, a boardcloath & 1 doz. naptkins, 1li. 5s.; 8 pr. of sheets, 4li. 16s.; 3 shurts, 15s.; 6 pillowbeers, 2 board cloathes, 6 naptkins & towells, 1li. 6s.; his wearing apparell, with a hatt,

* Autograph.

5li.; 4 pr. stockens, 3 pr. shooes, old, 1li.; about 20li. Cotton wooll, 16s.; sheepe wooll, 30li., 1li. 10s.; about 20li. of Hunney, 14s.; 2 old wenscot & 2 smale old board chests & a box & settle, 1li. 10s.; 3 or 4 basketts, brush, looking glass & som small old things, 6s.; 3 yards carsey at 5s. p., 15s.; 12 yds. hoame mad cloath, 1li. 16s.; about 20 yds cloath at the weavers, 2li. 10s.; about 40 yds. at the weavers, 3li.; 10li. linen yarne, 1li.; a greene rugg, 18s.; reg rug, 14s.; old red rugg, 8s.; 3 pr. of old blanketts, 1li. 10s.; 12 chaires, 2 stooles, 2 tables, 1li. 6s.; the feather beds, bolsters, sheets, blanketts, covering & appurtenances, 3li. 10s.; a flock bed, bolster, sheets, blanketts, covering & appurtenances, 2li. 10s.; a truckle bedstead, 2li.; curtaines & vallens, 1li.; cotten yarne, 4s.; 1 pr. pillowbeers, 4s.; scales & waites, 5s.; a pcell of cheese, 1li.; cash, 3li.; a bedsteed, rope & matt, 1li. 5s.; 18 cord of wood in ye woods, 9s.; a canoe, 12s.; 400 of board, 16s.; oweing to the estate, 25li. 12s. 3d.; total, 593li. 14s. 7d. Estate debtor, 121li. 14s. 1d. Added to the inventory, barn apprizd by Mr. Bartholmew Gedney & John Pickering, 23li.

Inventory of the goods or clothes found, May 30, 1672, on board the ketch Eliza and Marah, when they were at sea, belonging to William Casely, deceased, of Cockwood in Devonsheire, said Casely dying when they were about seven days from New England, appraised by Nathaniell Pickman* and Zebulon Hill,* and sworn to by Mr. Abraham Bartholmew, administrator, 28: 4 : 1672, in Salem court: One Bible, 4s.; Mr. Smiths booke of y^e great assiz., 1s.; 1 booke ye voice of the rod, 1s. 4d.; 1 Ditto Mr. Baxters Call to ye, u[n]co[n]verted] 6d.; 3 old Coattes, 1li.; 2 pr. of Bretches, 1li. 2s.; 2 pr. of Drawrs, 14s.; 3 pr. of stockens, 6s.; 3 pr. of Gloves, 3s.; 3 Wastecoates, 8s.; 1 dublet, 5s.; 2 old Coates & 3 pr. old britches, 4s.; 3 shurtts, 12s.; 2 Capes, 6s.; 1 pr. of wosted stockens, 3s. 6d.; 1 Speckled neckcloth, 1s. 6d.; 1 Cod Line and Lead, 3s.; 1 Mackll. line & Lead, 1s. 6d.; 1 Coate & Britches, 2 pr. of stocks & mittinges, 1li. 6s.; 1 pr. of blewling Britches & 1 pr. or blew Drawers, 9s.; 1 feltt hatt, 3s.; 1 Sml. loocken Glass, 9s.; 1 thousd. of pines, 10d.; 1 Rasur & pr. of sisurs & halfe of a hone, 2s.; 23 duz. of pypes, 5s.; 1 bl. helfd Knife, 4d.; 4 duz. of Cod hookes, 8s.; 9 skn. of snud thrid, 1s.; 8 C. of sparrables, 1s.; Cash, 2s. 6d.; 1 pr. of fishing bootes, 12s.; 1 pr. of shoes, 5s.; 1 hatchet & old hamer, 2s.; 2 Gimletts, 2d.; 1 Gun & lock, 10s.; a barrell, 2s.; 1 ps. of Leather to mend shooes wth., 1s. 4d.; total, 10li. 8s. 3d. Said Calely debtor to Mr. Abra. Bartholmew for his owne & boyes passaioge, 13li. 6s.

Inventory of the estate of John Wilkins, of Saylem, deceased, taken by Nathaniell Putnan* and John Putman,* and sworn to by Mary, the relict, 26 : 4 : 1672, at Salem, court who was

* Autograph.

appointed administratrix, and ordered to pay the children Elizabeth, John, Mary and Abygale, 10s. each at age or marriage: Three cowse, 10li. 10s.; 1 Steare, 2li.; 2 yearlings, 2li. 10s.; 2 Calves, 1li.; 11 Swine, 4li. 5s.; 1 Horse, 5li.; 1 mare, 2li.; Indian Corn upon ye ground, 1li. 10s.; The hule of a house, 8li. 10s.; In Iron ware, 3li.; woodden weare, 6s.; Puter, 10s.; Brase, 10s.; Pistoles, Holsters, sord & belt, 2li.; Bedding, 4li.; wearing clothes, 3li.; total, 50li. 11s.

Will of Daniel King, sr.* of Swampscot, dated 7 : 12 : 1671, and allowed at Salem court, 26 : 4 : 1672, upon oath of the witnesses, Richard Walker† and William Cowdry:† “firste I giue vnto My Sonn Daniel Kinge The house And Land whear hee Now dweles: the Boundes of w^{ch} Land is Bounded from the sea & soe alonge By Beauer Brooke as it tis allredy Layd oute & Marked vntill you Come to the heighwaye that goes to Marbellhead that now is & as itt was Layd out By a Comittee And soe alonge the heigh waye till you Come to A popel tree that is one the weste side of the heigh waye that groes forked, And from thence westerly to The Chessnut Tre Vppon a straighte Line and soe uppon that Line to Linn Common, and then alonge by Linn Common vntill you Com vnto the Land of Ralph Kinge, and soe to Runn all alonge By his Line south easte till you Come to the sea Further more I giue vnto My sonn Daniell kinge Tenn Ackers of salte Marshe in the Towne Marsh Below Allen Bredes Land Juner, And Lying one the westerly sid of the Meddow of Ralph Kinge as itt is alredy deuided Bee itt More or Less The sayd Daniel Kinge paying yearly to Mee and to My wife soe Longe as wee Boath shall liue Tenn pound a year yearly in Moni or in sutch thinges as wee shall Acepte of

“secondly I giue vnto My Daughter Hannah Blaner And to her heires for euer The farme That is Called Darnels farme, And is thus Bounded one Salem & Marbell head one the Northeaste, and soe alonge the Line westerly vntill it takes the Line Agaynste the Chesnut Tree & soe to Runn vppon a south easte Line to the Chesnut Tree, And soe alonge the same Line soe many Rodes as itt is one the westerly end at Linn Line And from Thence To Runn easterly to the Lower Corner of the feild Nexte to Marbell head heighwaye And My will is That My sonn Blaner shale paye to Mee & to My wife Tenn pound A year yearly in Monie or in sutch paye as wee shall Acepte of soe Longe as wee Boath shall Liue

“Thirdly I doe giue vnto My Daughter Elizabeth Redden and To her heires for euer all That Tracte of Land That Leyeth Beetween the Land that I haue giuen vnto My Sonn Daniel Kinge and the Land That I haue giuen to My Daughter Hannah Blaner, which Land Boundes vppon Marbell head land puided that my Sonn Ridden doath Acquit Mee of all debts & demandes from the

* Autograph and seal.

† Autograph.

Begining of the world vnto this day, although I doe not know I ow him anything

"forthly I doe giue vnto My daughter Sarah Nedom and to her heires for euer, the Land that is Caled smithes hill as the old fence went in smiths Time puided that My sonn Nedom fence it In By ittself with a stone wale And to make a bridg ouer to the Land Further More I doe giue vnto My daughter Sarah Nedom and to her heires that sixty Ackers of Land that lies at the head of Ducke pond & is Bounded one the weste with the Rockes one the North with Ma^s humferies farme & one the east with Salem Boundes, And vpon the Consideration My sonn Nedom shale giue to Mee & My wife soe Longe as we Liue fiue pound A year yearly in Moni or in that that we shale except of Further I doe hear make my Deare & Louing wife Elizebeth my Full & soll excecatrix of this my will.

"Further More I doe giue vnto My Daughter elizabeth Redden And to her heires for euer six Ackers of salt Marshe in the Town Marsh be it More or Less and is Bounded one the west with the Meddow of Ma^s Cobbett And one the south with the medd of Henery Collines and one the easte with the meddow of Robart Driuer And one the North with the Medow of John Witt and William Crafte. Further More I giue vnto My daughter Hannah Blanner & to her heires for euer Three Ackers of Meddow More or less in the Towne Marsh & is Bounded one the west with the Meddow of Nathaniell Cartland & on the North with the Meddow of Nathaniel Cartland & one the easte with the Meddow of Theofilus Bayles & one the south By a Creeke."

Inventory of the estate of Mr. Daniell Kinge of Linn, who died May 28, 1672, taken by Richard Walker* and William Cowdrey,* and allowed upon oath of the widow, 26 : 4 : 1672, in Salem court: A house And Two hundered Ackers of Land with the fencing, 520li.; Tenn Ackers of salte marsh, 80li.; one house more And 120 Ackers, And a Barne & Three Ackers of Salte Marsh, 300li.; 100 Ackers of land with 6 Ackers of salte Marsh, 330li.; 8 Ackers and 60 ackers of Land up in the woods, 140li.; six old horses & one Two year old horse, 22li.; Four Coltes, 4li. 10s.; 6 oxen, 34li.; 4 Cowes, 16li.; one heifer of Two year old & one yearling & a wenninge Calfe, 5li. 5s.; 4 sheep, Two Lambes, 2li. 10s.; 3 swine and 8 Pigges, 3li. 10s.; 4 fether, Beades & 4 Boulsters, 13li.; A flock Bead & fether Boulster, 2li.; 4 Ruggs & 4 Blanckets & 4 fether pillowes, 6li.; To heigh Bead steeds & Two Trundell bead steeds, 2li. 10s.; 2 payer of Cortaynes and valiants, 2li.; 5 payer of flaxen sheets, 5li.; one payer of hollen sheets, 1li. 10s.; a payer of fine sheets, 1li. 5s.; Two dozen Napkins, 2li.; 2 fine Tabell Clothes, 1li.; 5 pillow Beeres & a Cubbord Cloth, 1li. 5s.; 2 fine Toweles, 6s.; 2 Course Tabel Clothes & 2 pillow Beeres, 12s.; 5 Napkins, 7s. 6d.; To

* Autograph.

Trunkes & 2 Chestes, 1li. 6s.; 2 Coverlides, 1li. 6s.; Tabell & Carpet & 4 Joynd stooles, 1li. 18s.; fower Chaires and Three Cushines, 1li. 8s.; one Cosslet, 1li. 10s.; Bead steed, 16s.; 4 yards of Bayes, 1li. 2s. 6d.; A Coper kettell and a Brass pan and a Iron Pott, 2li.; 2 payer of Trameles & a lettell posnet, 7s. 6d.; payer of Tonges & a fier pan & a spitt, 5s.; Iron ketel & Iron skilet and two payer of pott hookes, 15s.; Tenn putor dishes & a quarte pott and a pinte pott, Two salte sellers, one Basson, 2 Sassors, one Chamber pott, 2li. 10s.; two Tinn puding panes, 3s.; 2 Brass Candelstikes, and two spring wheles, 18s.; Beare Vessell and Brewing vessel and other drey Caske with A Cheese press, 1li. 14s.; A Littell Tabell & Two Littell stooles, 6s.; Twelve pound of sheeps wool, 12s.; A Cutlash and old Iron, 15s.; Bookes, 1li.; payer of stilyards, 16s.; 2 smale Peeeses of Plate and 2 silver spones, 1li. 15s.; Three smale drest skins, 10s.; waring apparell, 8li. 6s.; total, 1,528li. 9s. 6d.

Summons, dated May 29, 1672, to John Gillow of Lyn, presented for selling cider by retail contrary to law, and to witnesses, Tho. Beale and Benjamin Chadwell, signed by Hilliard Veren,* clericus.

Venire, dated May 29, 1672, William Croft, Andrew Mansfelld, Robertt Potter and John Newall, jr., being returned, for Lyn trial jurymen, and Crispus Brewor and Thomas Ivory, were returned for Lyn constables, by Samuell Hart,* and Samuell Johnson,* constables of Lin.

Venire, dated May 29, 1672, to the constable of Marblehead, for trial jury man and grand jury man, signed by Hilliard Veren,* cleric, and the names of Mr. John Devorox for trial jurymen and William Carter for grand jurymen, were returned. Also summons to George Bagwell, Robert Pike and William Carter, upon their presentments, but said Bagwell had gone out of the town.

Warrant, dated May 29, 1672, to the selectmen of Topsfeild to answer a presentment for a defect in a highway on the north-west of a river near the house of William Towne, signed by Hilliard Veren,* cleric, and served by John Hovey,* constable of Topsfeild.

Venire, dated June 3, 1672, for trial jurymen and grand jurymen for Gloster, signed by Hilliard Veren,* cleric, and returned by Thomas Millett,* constable of Gloster, who gave in the names of Edward Haridine for the jury of trials and William Vinsen, for the grand jury. Also summons to Samuel Elwell and Joseph Elwell, and to the selectmen of Gloster for defect in a bridge over the gut, with Clement Coldum and William Vinson, as witnesses. The constable's return showed that the Elwells had been before the Worshipful Mr. Simons, and as to the bridge, there was a good bridge to which the grand jurymen could testify.

* Autograph.

Venire, dated May 29, 1672, for trial juryman and grand juryman for Beverly, signed by Hilliard Veren,* cleric, and no return made. Also summons to John Trask and Florence, his wife, to answer a presentment for fornication before marriage.

Writ: Mr. William Brown, jr. v. John Smith of Charlestowne; slander; dated May 14, 1672; signed by Hilliard Veren,* for the court; and served by Hen. Skery,* marshal of Salem. Bond of John Smith,* Thom. Eleredg* and *Ed. Pacy*.

John Smith* of Charles-towne acknowledged that he had "by severall speeches uttered at severall times, as alsoe by a letter written by myselfe, abused m^r Will^m Browne Jun. of Salem casting a false aspersion upon his good name and reputation in saying that he had taken a false oath, and other words to that effect: I the sd John Smith doe retract and recant the sd. words, and am heartily sorry that I haue soe falsely spoken, being I had noe cause for it, and therefore pray m^r Browne that he would passe it by, and forgett itt: and I doe promise that hereafter I shall att all times, endeavor to vindicate and cleare his credit and reputation in what I may."

Writ: Timothy Roberts v. Mr. Richard Hollinworth; debt; dated June 18, 1672; signed by Moses Mavericke,* for the court; and served by Samll. Morgan,* constable of Marblehead, by attachment of defendant's land in Marblehead.

Writ: Roberd Potter v. John Hawthorn; slander; dated June 19, 1672; signed by John Fuller,* for the court; and served by Samuell Hartt,* constable of Lin, by attachment of cattle of defendant.

Writ: Joseph Armitage v. Alse Thomas, wife of the late Evan Thomas; for building her a wharf at several times and a frame for a house, which amounts to nearly 100li.; signed by John Fuller,* for the court; and served by Samuell Hartt,* constable of Lin.

Writ: John Hawthorn v. Antony Crossbe; debt; dated June 10, 1672; signed by John Fuller,* for the court; and served by Robert Lord,* marshal of Ipswich.

Writ: Francis Wainwright v. Mr. Henry Leonard; debt; dated June 8, 1672; signed by Robert Lord,* for the court; and served by Robert Lord,* marshal of Ipswich, by attachment of fifty bars of iron.

Writ: Samuell Gidding v. Edmond Marshall, Benjamin Marshall, Isaack Fellows and John Gidding; for refusing to account for money he laid out about building a vessel, in which each man had a fifth part; signed by Robert Lord,* for the court, and served by Robert Lord,* marshal of Ipswich. Bond of Edmond Marshall,* Benjamin Marshall* and Thomas Bishop.*

Summons to a writ,† dated Nov. 22, 1671, for the appearance

* Autograph. † This is the first summons to a writ noticed in these records.

of Edward Richard upon complaint of John Gifford for debt, signed by John Fuller,* for the court.

Writ: Wm. Hayward v. Thomas Baker; debt in bar iron; dated June 15, 1672; signed by Robert Lord,* for the court; and served by Robert Lord,* marshal of Ipswich.

Writ: Margret Bishop, executrix of the will of Thomas Bishop, late of Ipswich v. Richard Saltonstall, Esq.; for refusing to deliver a bond of 2,000li.; dated Mar. 30, 1672; signed by Jonath. Negus,* for the court; and served by John Wing,* constable of Boston. Bond of R^d Saltonstall* of Boston, Daniel Gookin* (also Gogins) of Cambredg and Thomas Danforth* of Cambredg. Also another action, for refusing to pay 20li. which he engaged to pay plaintiff for wheels for his water mills at Ipswich.

Petition, dated Topsfield, June 26, 1672, from Jeremiah Hubbard, to the Salem court:

"Honoured and Worp^l

"These few lines (after due service p^rsented, and yo^r favour craved for my boldnes in this addresse) Are to declare That all former applications to yo^r worps. notwithstanding I am yet forced to informe you that Little or nothing is effected as to payment of my honest dues and debts for my labours in the worke of the Lord at Bass Riv^r now Beverly, allthough I haue weighted long, yea eight years are almost elapsed. Those people have had my Accompts once & againe, & A copie of the principall or originall Rates attested some of them by Authority.

"My humble request is that however at the long runn I may not every way be a Loser. But that yo^r worships in yo^r wisdom would pleas to finde out an effectuall way that in love and pease I may have my owne at last; I leave the matter to the worp^l Courts judicious consideration: & ever desireing the lord to be amongst you. I subscribe myselfe

"Yo^r Humble Serv^t

"Jeremiah Hubbard.*"

Copy of the inventory of the estate of Edmond Nicholson, taken from the Salem court records, 28 : 9 : 1660, by Hilliard Veren,* cleric.

Approbation of the selectmen of Lyn, dated 24 : 4 : 1672, for Theophilus Bayly's renewal of a license to sell strong liquors, "wee neither knowinge nor hearinge any miscarriage by him," signed by Thomas Laughton,* Thomas Marshall,* John Fuller,* Mathew Farington,* Thomas Farer,* Thomas Newhall* and John Burrill,* selectmen.

Summons, dated May 29, 1672, for the appearance of Robert Cross, jr., upon his presentment for being much in drink at Gloster in September last, also for disturbance and striking blows at Gloster, signed by Hilliard Veren,* cleric, and served by Theophilus Wilson,* constable of Ipswich.

* Autograph.

COURT HELD AT IPSWICH, SEPT. 24, 1672.

Judges: Mr. Samuel Symonds, Major Genrl. Denison and Major Wm. Hathorne.

Grand jury: Mr. Ezekiel Rogers, Wm. Fellows, John Dane, James How, Robert Day, John Andrews, Corpll. Jo. Whipple, Anthony Morse, Richard Pettingall, Joseph Pyke, James Bayley, Lenard Harriman, Abr. Redington, John French and Tho. Far-nam.

Jury of trials: Cornet Jo. Whipple, Ens. Tho. French, Nath. Wells, Nath. Rus, Sam. Hunt, Steeph Greenleafe, John Emery, Wm. Morse, James Barker, Jo. Johnson Jo. Dressor and Fran. Pabody.

Daniell Davison v. Samuel Lomas. Trespass. Upon a replevin for illegally impounding his cattle. Verdict for plaintiff.*

Quartermaster Jo. Perkins v. Usall Wardell. Trespass. Withdrawn.

Capt. Paul White v. Robert Joanes. Debt. Verdict for plaintiff.†

*Writ of replevin, dated Sept. 16, 1672, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich.

Daniell Davison's bill of cost, 1li. 13s. 10d.

Corporall Whipple and Richard Walker deposed that being chosen by Daniel Davison to view a piece of fence of Samuel Lumases, they found it insufficient, being not two feet high. Sworn in court.

Isak Swaine, aged about forty-six years, deposed that about the time the damage was done in Lumos' corn, his master sent him on an errand to Lumos, who asked deponent if he had seen cattle in his corn. Deponent told him that there had been a bullock, which went in through the fence, and if he would mend his fence next Monday, his master would lend him his oxen. He replied that if his corn were all lost, he could not come then because "my hay Lyeth upon the stroy." Sworn in court.

Robert Colburne, aged about sixty-five years, deposed. Sworn in court.

John Deane, Richard Walker and Wiliam Knoulton deposed. Sworn in court.

†Writ, dated Sept. 18, 1672, signed by Anthony Somerby,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich.

Capt. White's bill of cost, 1li. 4s. 2d.

‡Autograph.

Evan Morice v. Ens. John Gould. Battery. Withdrawn.

Tho. Longhorne and Abraham Haseltine v. Mr. Anthony Crosbie. Verdict for defendant. *

Mr. Antony Crosbie v. John Tod. Review of a case tried at Ipswich, Sept. 25, 1666, for forfeiture of a bond of 300li. Verdict

Letter of attorney, dated Sept. 24, 1672, given by Paul (his mark) White† of Newbury, merchant, to Wm. Chandler of Newbury. Wit: Thomas Woodbridge‡ and Ann Price.‡

Copy of the account between Robt. Jones and Paul White, dated Oct. 25, 1669, by which Jones agreed to pay White, 6li. 3s. 1d. in boards and plank. Wit: Wm. Chandler and Richard Currier. On Feb. 4, 1670, received of Wm. Hackett in part pay, 1li. 2s. 9d.

* Wit: Thomas Longhorn, executor of the will of Richard Longhorn, and Abraham Hesseltine, who married the executrix to the said will v. Anthony Crosbie; for not giving sufficient title to lands delivered to said Richard Longhorne as security for a debt of 11li., and alienating said land to other persons; dated Sept. 19, 1672; signed by Tho. Leaver,‡ for the court; and served by Jeremiah Elsworth,‡ constable of Rowley.

Copy of deed, dated Feb. 14, 1665, Anthony Crosbie of Rowley, conveyed to Jonathan Platts and John Acie, both of Rowley, for 350li., "my now dwelling house," with land adjoining, formerly belonging to Mr. Henry Sands, and another lot adjoining Mr. Edward Carlton's; also seven acres of pasture near Satchwell's bridge, formerly belonging to Capt. Brigham; also six acres of meadow, two belonging to John Haseltine, and one formerly belonging to Thomas Leaver, which three acres join the ox pasture at the hither end, bounded by the mill river at one side and one end, and on the other side by marsh formerly belonging to Goodman Trumble; the other three acres formerly belonging to Mr. Sands, lying in the tract commonly called Mr. Dumer's farm, joining upon the marsh formerly belonging to Elder Reyner; together with all other lands within five miles of the town of Rowley. Wit: Henry Rylve and Abraham Juwit. Acknowledged and recorded Oct. 6, 1666, before Samuell Symonds. Copy made, Sept. 23, 1672, by Robert Lord,‡ recorder.

Bond, dated Nov. 20, 1661, Anthony Crosbie§ of Rowley to Richard Longhorne of Rowley, for 11li. to be paid this November, but if not paid, said Longhorne was to have an acre and three quarters of plowing land lying within the field, and adjoining land of John Johnson, now in Longhorne's possession, together with 5s. for the yearly rate, the whole for the year being 15s. Wit: Anthony Austin‡ and Elizabeth (her mark) Longhorn.

† Seal.

‡ Autograph.

§ Autograph and seal.

for defendant. Plaintiff craved the moderation of the bond. Court ordered that if said Crosbie conveyed his land in Rowley called the Articles land and procured a release from John Acie and Jonathan Platts to said Tod, also of his wife, Mrs. Prudence Crosbie's dower, the bond should be moderated to 200li. If his wife's release could not be obtained, it was to be moderated to 240li. And since Tod had obtained a judgment and execution for 300li., court ordered that when said Crosbie should perform the foregoing, Tod should return to said Crosbie in good pay either 100li. or 60li. according as Mr. Crosbie should fulfill and perform the abovesaid premises.*

*Writ, dated Sept. 19, 1672, signed by Robert Lord,† for the court, and served by Jeremiah Elsworth,† constable of Rowley.

Copy of papers in this action brought in Ipswich court, Mar. 27, 1666 and Sept. 25, 1666, made by Robert Lord,† cleric.

John Tod's bill of cost, 13s. 6d.

Letter, dated Aug. 30, 1672, from Anthony Crosbie† to John Tod:

"Marchant Tod I do herebie put you in mind of what you promised Before Major Pike this summer which was you would refer the diffrence betwixt us to indifferent men. if you intend any such thinge I am as I was then and longe before not only willinge but uery Desirus to refer all greuances and differences to any honest understanding men: and further to shew how unwilling I am of any further proceeding in law; I will leaue it to you to chuse two or foure able understanding men of good report to end all differences betwixt us: I cannot offer moore faire then I now do and haue dun this foure years and moore: I accept against no man nor men in New England, so they be able and honest: But John Pickard and what they shall determine and award I will stand to: for assurance hereof. I will bringe two men of sufficient estate and credit to be bound with me in a thousand pound bond: you pretend Cristianitie but how it apeareth when no course will serve but Law I leaue it: if you will not accept what I now offer: pray Consider the dishoner we have brought to god. offence to his people, distraction to oure estates: distraction to ouer selues and families mispened of the countrys time & money which things well concidered with ouer owne mortalitie I think should moue and induce us both to take a care and course to leaue what we leaue to ouars after us to inioy without such Contention as we haue had for the effecting of which if we must go to law as I expect no other course will be taken by you. so longe as John Pickard is your Counselor and attorney pray let us go to law in a more Cristian manner by

† Autograph.

bringinge the naked truth to light instead of false glosses formerly used: ouer Casses are not so intricate but that they might haue bene understood and determined longe before this time if the honest pretenses had beene intended: as was pretended for youar faire flourish of what you haue offered so that you might haue youar owne you desired no moore: I know you to well to trust you to be Judge what is youar owne right. you euer asked me one hundred pounds moore then youar due. yet I alwayes would haue left it to indifferent men to be judged as you know I can prove all the offers of youars was when you had all my estate which was not made over in youar owne hands and whear do you thinke I should find moore for you. execution is sufficient title, what needed I giue *giue* any other: why did you not returne me the rest when you had youar just debt assured to you. but did take instead of one hundred fuetie one pounds or thereabouts. the hundred which you detained to this day. concerning the fuetie eight pounds you receuied by way of exchange of lands specified in the articles and proved by testimonie you promised by youar husbandrie. I aprised as much to you as the Court determined, but|| if you thinke|| because that verdict was not sufficient satisfaction for youar husbandrie I do heere now under my hand tender to make you full satisfaction for youar husbandrie such as you will haue it determined by men indifferently chosen, you choosing one or moore as you please and I as many if they cannot agree let them choose an umpire who they shall se cause: for youar charges and cost which you haue not taken execution out for: put me not to unnessesarie charges but bringe me the copie of the bills of cost from under the clarkes hand & I will make honest payment without moore ado: if you meane honestly you cannot refuse this as resonable: except you Resolue to put me to all the unnessesary charges you can: to what I haue proposed and offered in this paper I will stand to provided it be acceptable before further prosses."

Ezekiell Northend deposed that at the last meeting between Tod and Crosbie at Richard Longhorne's, Tod made three propositions to Mr. Crosbie; first, to bring him a deed of the Merrimack land from Kimball, second, to take Mr. Crosbie's bill and release the bargain of the twenty-nine acres at home, or to leave the whole business to Ezekiell Northen. Mr. Crosbie chose the second, etc. Sworn in court.

Henry Ryley and Jonathan Platts deposed that being desired by Mr. Crosbie after the Ipswich court of Mar., 1666, to witness a tender he made at Tod's house to cover the execution, Tod being absent, his wife refused to have anything to do with it. But Crosbie chose William Law and Henry Ryley to appraise the goods, which included cattle and a gun, who desired that the gun might be left in the house, but Tod's wife refused, and

Ens. Thomas Howlet v. Peeter Jenkins. Debt. Verdict for plaintiff.*

John Comings v. Peeter Jenkins. Debt. Verdict for plaintiff.†

they laid the gun upon the great oven and put the cattle and horses into the yard. Sworn in court.

Henry Riley deposed that Tod asked Ezekiel Northend to take the matter into his hand lest he lose what it had cost him for stubbing and other husbandry, etc. Sworn in court.

John Todd's‡ plea against moderation of the bond of Mr. Crosbie: because he would accept the Merrimack land, as the court propounded; because he should have for the uncertainty of the title to the twenty-nine acres, 40li.; because Mr. Crosbie had threatened him when he was still going to the IIs of Shoals to collect and pay debts, authorizing men by fraudulent deeds to carry the grass off the land, so that when he came with ten hands and three carts, he was struck and in danger "to be slaine;" because they were constantly plotting at the ordinary as is well known to many in Rowley, so that he had to secure the services of Goodman Pickard, which cost him 20li., and is "farr short of whatt he deserves for his seaven years help." He further pleads that if once Mr. Crosbie gets the bond moderated, he will begin to make new disturbances, and some in Rowley say this is but the beginning, for Crosbie has instruments in his hand that would ruin him, etc.

*Writ: Ens. Thomas Howlet v. Peter Ginken; debt; dated 25 : 4 : 1672; signed by John Redington,‡ for the court; and served by John Hovey,‡ constable of Topsfield, by attachment of the unburned bricks belonging to defendant, now lying at John Cumings' house.

Peter Jenkins, Dr., 1672, for 22 1-4 of pork, 7s. 5d.; cheese, 1s.; butter, 1s.; hay, 6s.; malt, 1s. 1-2d.; Indian corn, 5s. 4d. bacon, 12s. 9d.; Indian corn, 1li. 1s. 4d.; total, 2li. 17s. 11d. William Howlet, one day's work, 2s.; William and Isack, half a day, 2s.; William and Isack, one day, 4s.; carting of wood, one day, 5s.; the burning of the bricks, 1li. 17s. 6d.; total, 2li. 10s. 6d. Proved by the oath of Jo. Comings and Rich. Bates.

†Writ, dated 29 : 4 : 1672, signed by John Redington,‡ for the court, and served by John Hovey,‡ constable of Topsfield.

Peter Jenkins, Dr., to 1 bushall 1-2 Indon Corne, 4s.; 3 days worke of Nathaniel, 1s. 6d. per day, 4s. 6d.; 4 dayes of Abraham, 1s. per day, 4s.; Abraham, 4 days, 4s.; myselfe 3 dayes worke, 6s.; John, 3 days work, 4s. 6d.; Thomas, 3 dayes work, 4s. 6d.; Nathaniel, 2 days, 3s.; 10 Load of wood, 10s.; 11 weaks diet of 2 men, at 4s. 6d., per weeke for a man, 2li. 4s. 6d.; total, 5li. 19s.

‡ Autograph.

Richard Bates v. Peeter Jenkins. Debt. Withdrawn.

John Safford v. Ens. John Gould. Debt. Verdict for defendant.*

Ens. John Gould v. Benjamin Felton. For letting his prisoner go. Verdict for defendant. †

Ens. John Gould v. Sergt. Thomas Fuller. Trespass. Verdict for defendant. ‡

Peter Jenkins, Cr., to 22 pound 1 quarter of porke at 4d. per pound, 7s. 5d.; cheese, 3s.; 2 pound butter, 12d.; bushall of Indon Corne at 2s. 8d., 1li. 1s. 4d.; 25 pound of bakon at 6d. per, 12s. 6d.; total, 2li. 5s. 3d.

Rich. Bates testified that his master Peter Jenkins lived at John Comings' and had his diet there. Sworn in court.

*Writ, dated 17 : 7 : 1672, signed by John Redington,§ for the court, and served by John Hovey,§ constable of Topsfield, by attachment of a new frame of a barn standing on the south side of defendant's yard within his fence.

James Hanscombe deposed that Jno. Saford several times desired to have credit upon Mr. Lenoard's book, but on 4 : 5 : 1672, by order of deponent's master, Henry Leonard, he gave him credit. Sworn in court.

John Gould, Dr., to 6 C. of bar iron, 7li. 4s. Jno. Safford was at the works when the account was made.

Thomas Andrewes deposed that he heard John Saford tell Ensign John Goold that he did not look to Mr. Linerd for the iron and took no notice of him until he paid him. John Saford said he did not discharge Ensign Goold until he had received the iron.

Edmond Bridges deposed. Sworn in court.

† Writ: Ens. John Gould v. Benjamin Felton, keeper of Salem prison; for letting his prisoner go; dated 16 : 7 : 1672; signed by John Redington,§ for the court, and served by Henry Skerry,§ marshal of Salem, by attachment of house of defendant.

Edmond Bridges deposed that John Gould demanding his prisoner at Salem court last November could get answer only that he had broken prison and had run away. Also that the keeper of Salem prison had often been known to take prisoners out of the prison to help him about his own occasions, and some times men have run away in the meantime. Sworn in court.

‡ Writ: Ens. John Gould v. Sergt. Fuller; trespass; for felling trees upon his land; dated 16 : 7 : 1672; signed by John Redington,§ for the court; and served by Henry Skerry,§ marshal of Salem. Bond of Thomas Fuller,§ Nathaniel Putnam,§ surety.

Copy of the record of the General Court of May 23, 1666: Thomas Howlet and John Gage, having been appointed to lay

Thomas Newman v. Nathaniell Tredwell. Slander. Withdrawn.

out and measure to Zacheus Gold the 300 acres of land granted to Capt. Patrick formerly, did so about a year since. One hundred and thirty acres of this tract was bounded on the north-west by the Andiver line, on the northeast by Rowly line, on the southeast by the land of Zacheus Gold, and on the other end by land of Major Generall Denison, said land lying in a circular form. There being no more land in that place to dispose of, they laid out 170 acres more in a free place to make up the complement, which was bounded by land of Hon. Richard Bellingham, Esq., on the north, land of Major Generall Denison on the east, on the south and west by the country land. The measurements were on the line next the Major's barn, 240 rods, the other line parallel, 160 rods, and each of the other two lines being 140 rods. Copy made by Edward Rawson,* secretary.

John Browne, aged thirty-eight years, deposed that the tract of land given to Nathaniel Wallker by the town of Redding, lately in the possession of Shuball Walker, was sold to Thomas Fuller, and that the land lay within Redding two mile grant. Sworn, Sept. 23, 1672, before Nicholas Browne,* William Cowdrey* and Jonathan Poole,* commissioners of Redding.

Hananiah Parker, aged thirty-four years, deposed the same.

Jonathan Knight deposed. Sworn in court.

John Gage* deposed, at Merrimack, Sept. 28, 1672, that he and his brother Howlet laid out 170 acres at Wills hill to John Gold, he informing them it was country land.

Copy of the records of the General Court, dated May 23, 1666, made by Edw. Rawson,* recorder: whereas the court formerly granted to Reading a tract of land two miles long, between their grant of four miles, and Mr. Bellingham's farm and the great river, and also ordered them to have it laid out, accordingly Elisha Hutchinson laid it out for Reading, as follows: Running from a pine tree A north by the compass 600 rods, joining to the town of Reading's land, to B to the top of a rocky hill and from B east 268 rods to an oak tree at C marked RB and joins to Andover land and from C south southeast 8 degrees 30 minutes east 576 rod, the lines joining upon the Governor's farm to a black oak tree at D marked RB and this land joins upon Mr. Bellingham's farm; the fourth line runs from DEBN 236 rods to a walnut tree at E and joins also upon Mr. Bellingham's farm; the fifth line from E southeast and by south 204 rods to a black oak in Salem line at F which line joins upon the farm of Thomas Fuller; the sixth line runs from F west southwest 2 degrees south 420 rods to a black oak at G, the which lines are Salem bounds; the seventh line from G west by North 7 degrees north 568 rods to a pine tree at A along the river side.

* Autograph.

Mr. Robert Paine v. Richard Bartlet. Debt. Verdict for plaintiff.*

Selectmen of Rowley, in behalf of the town v. Mr. Phillip Nellson. Trespass. For claiming a parcel of salt marsh. Verdict for defendant.†

* Writ, dated Sept. 16, 1672, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich, by attachment of house and land of defendant.

Bond, dated June 8, 1671, from Richard Bartlet‡ of Nubrey to Robert Payne, sr., for 4li., to be paid in barley. Wit: John Payne.‡

† Writ: Selectmen of Rowley, Left. Samuel Brocklbank, John Pickerd, Samuel Plats, Jonathan Plats, John Grant, in behalf of the town v. Mr. Philip Nellson of Rowley; for claiming a parcel of salt marsh and thatch banks at the end of his planting lot against which the said lot is butted, which is near Oyster Point, and for violently resisting and threatening such persons as the said selectmen employed to cut or carry away grass that grew upon the same, in which action the trial of the title is intended; dated Sept. 18, 1672; signed by Tho. Leaver,‡ for the court; and served by Jeremiah Elsworth,‡ constable of Rowley.

Letter of attorney, dated Sept. 24, 1672, from Philip Nellson§ of Rowley to his loving brother, Nehemiah Jewett of Ipswich. Wit: Abraham Jewit‡ and Ann Jewett.‡

Copy of a town order of Rowley, in 1648, taken from the town book by William Teney,‡ keeper of the book: "It is ordered and agreed that the prudentiall men during the time of there beeing; shall haue full power to order and Transact all the common affaires of the town of Rowley as to make orders, Impose fines for the better managing the affaires of the aforesaid towne; provided that they do nothing contrary to the orders of the generall court provided alsoe that they dispose no land for inheritance without the consent of the towne; provided also they lett no towne lands but for there present year."

Another copy of the foregoing, made by Samuell Brocklebanke.‡

Copy of the record of a legal town meeting held in Rowley, Jan. 30, 1671, made by William Teney,‡ keeper of the book, that all orders to be legal must be read by the selectmen from year to year, and although they be written in the book they shall not be of force unless read.

Copy from the town book of land records, taken by Samuell Brocklebanke;‡ "laid out To Sebastin Brigham fourteene acres of upland Lying next to the warehouse fence the one end buting

‡ Autograph.

§ Autograph and seal.

Mr. John Higginson v. Richard Lee. Forfeiture of a bond.
Withdrawn.

upon the path leading to Newbery, the other upon the salt marsh.

"To Thomas Barker fiteene acres of upland Lying upon the north side of sebastine Brighams buting upon the abouesaid places.

"To m^r Thomas Nelson Twenty foure acres of upland Lying upon the North side of Thomas Barkers lot buting upon the abousaid places."

Samuell Platts, sr., deposed that he had gotten thatch there in this cove now in controversy at any time when he had occasion, either for thatch or to give to his cattle and mowed it as common with no one man claiming it more than another. Also that salt marsh grew there between the thatch and the upland in some places two rods, and some less. Sworn in court.

John Trumble deposed that the land in controversy had been accounted the town's common ever since he could remember, etc. Sworn in court.

John Pickard deposed that about seventeen years ago he bought part of the lot of Mr. Nelson in hopes of enjoying it "as my owne and looked upon the Law title Liberty commons but also seing the Record of m^r Nelsons to butt against salt marsh I thought that I should not obtain by the said Law I therfore adressed my selfe to the towne and desired them they would let me haue the marsh and coue against the aforesaid land for land I wanted but the towne was not willing to part with it but apointed men to make up my want and they gaue me about twelue acres for that which I would willingly haue accepted of the said marsh and thach banke for," etc. Sworn in court.

William Boynton deposed. Sworn in court.

Leonard Harriman deposed that he had mowed grass on that land and carried it away by canoe loads and set it in cocks on the marsh. Sworn in court.

Danniell Wickam and John Dreser deposed that they being desired to go to Thomas Lambert and Mr. Nelson to see if they improved the thatch banks at Oyster point, they saw said Nelson carrying away creek thatch, and upon asking him upon what authority he did it, he said "what is that to you?" Jonathan Plats and Leonard Harriman told him that the town had given it to them, and Nelson said, "if any of you doe take any of it I will strike you with my Rake plats answered here is some polles let us carry away the thach m^r Nelson said if any of you doe medle with it I will Run my forke Into you as far as the tines will let it goe. stand of my Land." Sworn in court.

Henory Royley deposed. Sworn in court.

Thomas Bishop, assignee of Margret Bishop, executrix to Thomas Bishop v. Ens. John Gould. Debt. In wheat, malt or pork. Verdict for plaintiff.*

Thomas Bishop's executors v. Jonathan Thing. Debt. Verdict for defendant.†

John Leigh, assignee of Margret Bishop, executrix to Thomas Bishop v. Gabrill Grubb. Debt. Forfeiture of a bond. Court, finding that part had been paid, moderated the bond. "The species is fish."‡

* Writ, dated Sept. 6, 1672, signed by Robert Lord,§ for the court, and served by Robert Lord,§ marshal of Ipswich.

Bond, dated Jan. 27, 1669, John Gould of Topsfeild to Thomas Bishop of Ipswich, for 23li., to be paid in neat cattle, wheat, corn or pork, with 6li. 10s. that he engaged for Edmun Bridges, jr. Wit: John Brownson and Mary Gilbert. On Sept. 6, 1672, Margret Bishop, executrix of Thomas Bishop, assigned this bond to her son Thomas. Wit: Samuella Bishop and Sarah Bishop. Court allowed this copy instead of the original, which was the plaintiff's book and now cancelled.

† Writ: Thomas Bishop's executors v. Jonathan Thing; debt, by assignment of Roger Edwards to plaintiff; dated Sept. 6, 1672; signed by Robert Lord,§ for the court; and served by Robert Lord,§ marshal of Ipswich.

Summons, dated Sept. 6, 1672, for Jonathan Thing's appearance, signed by Robert Lord,§ for the court.

Bond, dated Nov. 5, 1669, Roger (his mark) Edwards of Hampton to Thomas Bishop of Ipswich, for 7,500 boards, to be delivered at Exeter. Wit: Samuella Bishop§ and John Brounson.§

Samuella Bishop, aged about twenty-seven years, deposed that he saw Rogger Edwards assign this bill of Jonathan Thing's to deponent's father. Sworn in court.

Copy of bond, dated Apr. 20, 1669, Jonathan (his mark) Thing of Exitor to Roger Edwards of Hampton, for 8li. 10s. 4d., to be paid in pine boards or pipestaves, to be delivered in Exeter, which was to satisfy Mr. Richard Oliver for a judgment from Capt. Walter Barefoot, etc. Wit: Abraham Drake and Joseph Davis. "You may take my sons Resete & I will owne it your frend Alexander Jones." Roger Edwards, on Sept. 8, 1669, assigned this bond to Thomas Bishop. Copy made by Robert Lord,§ cleric.

‡ Writ, dated June 26, 1672, signed by Robert Lord,§ for the court, and served by Joseph Lee,§ deputy for Robert Lord§, marshal of Ipswich, by attachment of the house and land of defendant.

Bond, dated Dec. 29, 1666, Gabriell (his mark) Grubb and § Autograph.

Ens. John Gould acknowledged judgment to Edmond Bridges of Ipswich, in bar iron.

Walter Taylour acknowledged judgment to Obadiah Bridges.

Mr. Henry Roads was allowed costs in an action brought by Joseph Armitage and not prosecuted.

Capt. Tho. Savage was allowed costs in an action brought by Joseph Armitage and not prosecuted.

Andrew Peeters had his license renewed for a year to sell liquors by the quart out of doors, but to have none drunk in his house.

Upon the petition of the selectmen of Lyn about the bridge, court appointed Maj. Wm. Hathorne and Mr. Henry Bartholmew to view the same, and upon reporting what needs to be done, they to have it done and the county to pay the charge.

Samuell Jacob dying intestate, court granted administration upon the estate to Ann, the relict, who brought in an inventory amounting to 300li. clear estate. There was one child, who was to have 100li. when of age, and the widow was to enjoy the rest of the estate, but if she married, she was to provide security for the child's portion.

John Sorlah dying intestate, court granted administration upon the estate to Elizabeth, the relict. An inventory of 500li. clear estate being presented, court ordered to the widow, 165li., and two of the daughters having received their portions, as appeared by an acquittance, and seven children yet remaining, court ordered to the eldest son John a double portion, 84li., and to rest of the six 42li. each, namely, Sarah, Hanah, Martha, Joseph, Abigaill and Bethia, as they come of age. Upon condition that said John wait for his portion until his mother's death, he was to have his portion out of the homestead, and if

Esay (also Isaiah) Odiorne,* of the Isles of Sholes to Thomas Bishop of Ipswich, for 20li. 13s. 3d., to be paid in cod fish fit to be shipped aboard at the next weighing season in June. Wit: Samuell Bishop* and Joseph Lee.* "It, for Carriing downe y^e provissions, 4^{sh}." Margaret Bishop,* Dec. 17, 1671, assigned this bond to John Leigh. Wit: Thomas Bishop* and Nathaniel B[ishop?].*

Letter of attorney, dated June 25, 1672, from John Leigh* of Ipswich, to his brother Joseph Leigh. Wit: James (his mark) Sawyer and Nathaniell Browne.* Joseph Leigh testified upon oath in court that he demanded it.

* Autograph.

he had occasion to build he was to have one acre of land next the highway about the place where Spaldens house stood, he fencing it; he was to have all the land for his whole portion as it was appraised in the inventory and the rest of the land to be security for the payment of the other children's portions.

Philip Stainewood dying intestate, court granted administration of the estate to Jane, the relict, and an inventory amounting to 87*li.* being brought in, court ordered the estate to remain in her hand while she remains a widow. She was not to dispose of any of the land and if she married, she was to acquaint the court that further action might be taken.

Mr. Anthony Crosbie acknowledged judgment to Mr. John Hathorne.

Mr. Jo. Giffard was allowed costs in an action brought by Mr. Timothy Mather and not prosecuted.

Thomas Whitridge dying intestate, court granted administration upon the estate to Robert Morgan and Richard Norman, who were ordered to bring in an inventory.

Mr. John Brock, John Waldren and Christopher Lattimore were admonished upon their presentment.*

*Summons, dated 17 : 5 : 1672, to John Waldron, constable of Marblehead, for the appearance on 17 : 5 : 1672, at Mr. Gedney's, of Mr. Latemore, "for entertayning Mr Brock ouerlong, & not clearing your house, & y^e s^d Brock for Long staying there, & for not departing being Comanded by y^e Constable, & for drinking to much," and to summon Nicholas Willes and John Stacy, as witnesses, signed by Wm. Hathorne,† assistant.

John Waldron, constable of Marblehead, deposed that he had often been at the house of Christopher Latemor both on Saturday and Lord's day nights and had found them drinking and sometime fighting at unseasonable times. He never knew said Latemore to clear his house but suffered men to drink as long as they pleased. Further Latemore told him "y^t y^e Constables were fooles to send ye watch to cleare any publique house for It is more then they could or should doe." Sworn before Wm. Hathorne,† assistant.

John Waldron testified that the day John Brock made his complaint that he was drunk, that he was during the first part of the day about the town's fish, gathering it from stage to stage, and in the latter part he went to warn John Brock and his son to watch. He refused to watch and said deponent was a pitiful

† Autograph.

constable to warn him, and his reason was because two or three of his men had watched before. Deponent asked him whether he would pay his town rate and he replied that he would not pay it to deponent. Sworn, before Wm. Hathorne,* assistant.

John Waldron deposed that when he found John Brock, sr., drunk at Latemor's, he desired him to go home but with scoffing language at authority, went into the house. Then deponent went home to give the watch charge, "& presently after he came hombe ye watch came & did aske of him furdur orders & hee answered y^t hee must watch wth them ye first part of ye night himselfe & hereupon hee tooke his stafe & went wth them & when he came to M^r Latemors house hee found Joⁿ Brock there againe & he said to him I see M^r Brock y^t yoⁿ take no notice y^t I had forewarned yoⁿ & Comanded yoⁿ to depart aboute one hower or two sence: hee made litle answer butt said hee would first take his super & went in againe Soe Christopher Latemore came to mee: saying Joⁿ Waldron I am sorry for ye for this shall bee ye dearest peace of worke y^t euer thou wentest aboute sence thy mother bound thy head I told him y^t It was high tyme for him to cleare his house. Butt M^r Latemore made answer againe y^t hee would not Butt he would keepe them there as long as hee pleased: wth seuerall opprobrious speaches as in reference to ye deriding my authority." Sworn before Wm. Hathorne,* assistant.

Nicolas Willis, aged about twenty-four years, and John Stacy, aged about twenty-three years, deposed that being warned by the constable to watch, they went up to receive their charge. The constable told them about Mr. Brock and said that he thought he would better watch with them the first part of the night; then his wife and he had some words. Upon asking him for their charge, he told them to go home and go to sleep, whereupon they bade him good night and went out of doors. "We asked him if he would leaue us harmeles if we did not watch, he bid us stay and he would goe a little way with us (when we were out of doores) Then he brought out his blacke staffe with him & went downe to m^r Latimers, giueing us o^r charge as we went. when we Came there we saw M^r Brocke there but we did not ap^rhend him to be in drinke nor neuer saw him in drinke in our liues. The Constable seeing him there told him he should goe to the stockes or else putt in security, m^r Brocke replied hee would eat his supper first, but we saw no disturbance nor disorder in m^r Latimer's house, only there were some strangers there going to sea, as M^r More of Bristoll & his Company but they were very Ciuill. Then the Constable came in to M^r Latimer, & asked him if it were not time to Cleare his house. M^r Latimer demanded of him w^t alocke it was, he said it was about

* Autograph.

9. m^r Lat. said I am sorry for thee John Waldron, who replied, Christopher Latimer be not sorry for me, be sorry for thyselfe, then we went away." Sworn before Wm. Hathorn,* assistant.

James Dennes, aged about thirty years, deposed that he, Nathaniel Walton, Josiah Walton and Thomas Eles having some business with Mr. John Brock, found him in Mr. Latemore's porch with three strange men. He told them that as soon as he had finished his business with the gentlemen, he would go to them, so they went up into the chamber. Hearing a noise they went down and heard the constable ordering Brock to the stocks, and he commanded deponent to aid him, etc. Sworn before Wm. Hathorne,* assistant.

Robart Hooper, aged about sixty years, deposed that he heard John Waldron ask Mr. Brock for his pay and the latter said he would pay him as soon as he had his account. Waldron replied that he would break his bones, etc. Deponent apprehended that the constable was disguised with drink. Sworn, before Wm. Hathorne,* assistant.

Thomas Elles, aged about forty years, deposed. Sworn before Wm. Hathorne,* assistant.

John Sealy and Showball Walker deposed. Sworn, 19 : 5 : 1672, before Wm. Hathorne,* assistant.

Mr. Benjeman Bengrian, aged about twenty-five years, deposed. Sworn before Wm. Hathorne,* assistant.

Richard Huneywell of Black Point deposed that being at Marblehead at a stage, weighing fish, there was one Mr. John Brock, sr., weigher of fish for some Jersey men. The constable called him "Jearse cheater," and other vile names, and Mr. Brock told him to go out of his stage and about his business, etc. Sworn before Wm. Hathorne,* assistant.

Daniell Ela deposed. Sworn before Wm. Hathorne,* assistant.

Nathanell Walton, aged about thirty-five years, deposed that Mr. Brock was not drunk. Sworn before Wm. Hathorne.*

Mr. John Pipone, aged about twenty-one years, deposed that he was with Mr. Brock at Richard Read's stage when the constable came and told Mr. Brock he must watch. Mr. Brock replied that his men had watched the last two nights, but the constable said he himself and his son must watch, and Brock said no, that his men would watch for him, whereupon Waldron called him knave, cheater and French dog. The constable reeled and was hardly able to stand. Nicklas Besgue testified to the same. Sworn before Wm. Hathorne,* assistant.

Richard Read, aged about forty years, deposed. Sworn before Wm. Hathorne,* assistant.

John Beacker, aged about thirty years, deposed. Sworn before Wm. Hathorne,* assistant.

* Autograph.

Samuell Watts was fined upon his presentment, and was ordered to pay 10s. to Abraham Graves.

Daniell Buttler, upon his presentment, was enjoined by the court to repair to his wife.

Anthony Ashbie, summoned by Nath. Puttman, and not prosecuting, was allowed costs.

John Kent, attaching Tho. Dixie, and not prosecuting, defendant was allowed costs.

There was a complaint against Josiah Lynden and his wife for fornication before marriage.

Frances Cole was ordered, upon her presentment, to be whipped and pay fees.

Elizabeth Stanley, upon her presentment for fornication, was sentenced to be whipped or pay 3li. in silver.

Marke Quilter was admonished, upon his presentment.

Administration was granted unto Jonathan Hart of what estate was his father John Hart's, and of which he died possessed and of which Thomas Whitridge was never legally possessed.

Cornelious Kent dying intestate, court granted administration of the estate to Francis Wainwright and Samuell Yonglove, who was to pay debts according to the inventory.

John Sparkes had his license renewed for a year.

Quartermaster Perkins had his license renewed for a year, also his license to draw liquors.

Jonathan Moore, being employed by the court to seek John Hobbs, was allowed 4s.

Daniell Clarke was released from training, paying 5s. a year to the use of the company.

Thomas Smith was released henceforth from training, without pay.

John Browne, sr., was released from training, paying 5s. a year to the use of the company.

Given to the house, 6s. 8d.

Richard Currier acknowledged judgment to Samuell Lord, Sept. 30, 1672, before Mr. Samuell Symonds and Major Genrll. Daniell Denison.

Copy of will of Margrett Lake of Ipswich "in americka in the shire of Essex," widow, dated Aug. 30, 1672, and allowed upon

oath of the witnesses, Thomas Knowlton, sr., and James Chute, in Ipswich court: To daughter Hanah Gallop and her children all her land at New London, her best gown, red cloth petticoat and enamelled ring, and after her daughter's decease, her granddaughter Hanah Gallop to have the said ring; to granddaughter Hanah Gallop, a pair of sheets and one of her best pewter platters; to daughter Martha Harris her tapestry coverlet and wearing apparel, and her mantle, the tapestry to go to her grandson Thomas Harris after her daughter's Martha's decease, and he dying without issue to his brother John; to daughter Martha, her gold ring, and after Martha's decease to the testator's granddaughter Martha Harris, and bedding; to granddaughter Elizabeth Harris, one heifer at cousin Eppes; to granddaughter Margrett Harris, her carved box and table linen; her household stuff to be divided among her daughter Harris' children; to son Thomas Harris, all the rest of her estate, her part of the vessel, her bible excepted, which she gave to her grandson John Harris, also a pair of fringed gloves; son Thomas Harris and daughter Martha Harris, executors. [Original on file in the Registry of Probate.]

Inventory of the estate of Mrs. Margaret Lake of Ipswich, taken, Dec. 24, 1672, by John Dane, Thomas Knowlton and John Lighton, and allowed in Ipswich court: land, household furnishings, wearing apparel, baking pan, ewer, pastie plate, three carved boxes, bedding, her wedding shift, samplers, debts due Mathew Perry, William Quarles, Mr. Eppes, Joseph Lee; total, 142li. 7s.; debts owing to Merchant Wainwright and Deacon Goodhue. [Original on file in the Registry of Probate.]

Inventory of the estate of John Soolart, made 7 : 6 : 1672, by Nathaniel Putman and Thomas Fiske, and allowed in Ipswich court, upon oath of Elizabeth, the widow, who was administratrix: houses and land, land joining Richard Kimball's, land at Lord's hill, at Thorndick meadow, at the neck, land bought of Jno. Batchiler, domestic animals, apples, tools, household utensils, etc.; total, 581li. 13s. Debts from the estate, to Mr. Browne of Salem, Steephen Haskett, John Batchiler and Joseph Lovet. [Original on file in the Registry of Probate.]

Inventory of the estate of Phillip Stainewood, sr., taken at Gloster, 8 : 6 : 1672, by Steeven Glover, James Davis and Thomas Riggs, and allowed in Ipswich court upon oath of An

Stainewood: House and land, domestic animals, musket and sword, etc.; total 87li. [Original on file in the Registry of Probate.]

Inventory of the estate of Cornelious Kent, taken by Nathaniel Browne and William Dirky: Domestic animals, tools, household utensils, wearing apparel, of himself and wife, due from Shore Willson, musket, etc.; total, 45li. 3s. 6d. Debts due to Samuell Younglove, Deacon Goodhue, Goodman Selair, Dorcas Pittis, Deacon Knowlton, Goodmen Archer, Rosse, Danford, Pod, Ring, Chote, Rust, Hayward, Bennett, Dane, Sawyer, Mr. Newman, Wainwright, Mr. Willson, Sergt. Clark, Breever Clarke. [Original on file in the Registry of Probate.]

Benjamin Gage dying intestate, administration of the estate was granted by Mr. Samuell Symonds and Major Genrll. Daniell Denison, Nov. 14, 1672, to Prudence, the relict, who was ordered to bring in an inventory to the next Ipswich court. Thomas Leavour was her surety.

Inventory of the estate of Mr. Samuell Jacob, late of Ipswich, appraised, July 3, 1672, by John Appleton, Samuell Appleton and John Whipple, and allowed upon oath of An, the widow: Goods in the hall, parlor, little parlor, parlor chamber, hall chamber, little parlor chamber, brew house, buttery and cellar; furniture, alchemy spoons, brass knives, fowling piece, musket, case of pistols and holsters, shredding knife with scewers, plate, clock, carpets, folded screen, a limbeck top and bottom, household furnishings, teer flax and a hair line, wearing apparel, cheney dishes, mocado ends, pin cushion, sweet bags, two yards of molacy, domestic animals, tools, etc.; total, 356li. 10s. 6d. Due from Mr. John Paine of Boston. [Original on file in the Registry of Probate.]

Will of Richard Jacob of Ipswich, without date, and allowed, 5 : 8 : 1672, before Mr. Samuell Symonds, and Major Genrll. Daniell Denison, upon oath of Capt. John Appleton and Left. Samuell Appleton: To wife Joanna, the provisions as per writing, dated May 3, 1669, to be carried out; to son Thomas, his eldest son now living, all land on the west side of the road to Boston, twelve acres below the sluice of his farm adjoining, six or eight acres bought of Henry Kembell adjoining Mr. Saltonstall's farm, all of which is in possession of his son Thomas, provided he pay to his mother-in-law, "my wife Joanna," according to agreement,

also 50li. to his sister Martha within a year after testator's decease if she be married, if not, to pay her 8d. per pound yearly until marriage or at the age of twenty-eight years, when she shall have liberty to demand the full sum, also Thomas to have the stock and apples for seven years; to son John, 100li. within one year; to son Nathaniell, when of age, half the farm near Topsfield, next to Isaack Comings' farm, he to pay yearly stipends to his step-mother and sister Judeth; to son Joseph, the other half of the same farm, next to Goodman Hovey's, at age, he to pay yearly stipends to his step-mother and the executor; to daughter Martha Jacob, 100li.; to daughter Judith, 100li.; to grandchild Lidea Jacob, 100li., and the widow of his son Samuel was to have half the house she lived in and necessary things for her support, as long as she remained unmarried; son Richard Jacob, executor, to whom he gave the rest of his estate; his brother Capt. John Appleton, brother Left. Samuell Appleton and his friend Mr. Richard Hubbard, overseers. Wit: John Appleton, Samuell Appleton and Wm. Goodhue. [Original on file in the Registry of Probate.]

Inventory of the estate of Richard Jacob, appraised Oct. 4, 1672, by John Whipple, sr. and Thomas Burnam, sr., and allowed, Oct. 5, 1672, upon oath of Richard Jacob: Household furnishings, furniture, 4 leather chairs, two flag chairs, wearing apparel, 27li. of newest pewter at 262d. per li., household utensils, domestic animals, table leaf and form, weapons, wearing apparel, domestic animals, tools, etc.; total, 1,126li. 9d. [Original on file in the Registry of Probate.]

Edmond James dying intestate, administration upon the estate was granted to John Pickard and Thomas Kimball, Jan. 23, 1672, by Mr. Samuell Symonds and Major Genrll. Denison, and they were ordered to bring in an inventory to the next Ipswich court.

Mr. Anthony Crosbie dying intestate, administration upon the estate was granted to Mrs. Prudence Crosbie, the widow, Feb. 20, 1672, by Mr. Samuell Symonds and Major Genrll. Denison, and she was ordered to bring in an inventory to the next Ipswich court.

Frances Plumer of Newbury dying intestate, administration upon the estate was granted to his sons Samuell and Joseph, Feb. 20, 1672, by Mr. Samuell Symonds and Major Genrll.

Denison, and they were ordered to bring in an inventory to the next Ipswich court.

John Hobbs and Samuell Plumer forfeited their bond for the appearance of said Hobbs.*

COURT HELD AT HAMPTON, 8 : 8 : 1672.

Major Hawthorne, president. Major Pike, Cpt. Nathl. Saltonstall and Mr. Samll. Dalton, associates.

Grand jury: Henry Palmer, foreman, Jno. Ilsly, Wm. Barns, Jno. Hutchins, Jno. Mariam, Wm. More, Jno. Clifford, Wm.

*Petition to the court at Ipswich, Sept. 24, 1672, by John Whipple, jr.:† "Whereas there is one John Hobbs an inhabitant of Newberry, a man of uery bad fame who was presented y^e last Court here, for seuerall misdemeanours, w^{ch} as yet he hath not answered to, and sence hath been complained of by my uncle Rich. Kent before y^e worsh^l Major Denison, for seuerall abuses to my daughter, now liuing in his house, upon y^e hearing of w^{ch} y^e Major passed sentence on him as he saw good: but he appealing fro his judgmt, and bond taken of him to appeare at y^e present Court, hath since declared hims: resolued not to appeare, but forfeit his bond. and yet still persisting to abuse her by many scandalous defamations, and threatening to haue y^e blood of any person y^t shal come to her under any pretence of loue or y^e like|| w^tout any colour of leaue or approbation;|| and hauing formerly offered her many personal abuses, hardly fitt to be named, much less tollerated by any parent, I thought it my duty and most direct way to make address to this honrd Court for your special aduice herein, and doe humbly request (being uery fearful of his mischieuous intents to her or those related to her) y^t you would please to grant me a special verdict to bring him before your worships to answer to such things, as are here or may be alleged against him." On the reverse, "Corp^l Whipple his complaint."

Sarah Whippelle, aged about fifteen years, deposed concerning John Hob's abuses. He told her that he charged his uncel that he shold not latt eny man keep har compani for he wouold be y^e death of him." etc. Rebeca Long deposed the same. Sworn in court.

Beria Browne deposed that John Hobbs told him that he would be the death of any man who sought Sary Whipple in marriage and "gods b[l]ud I thinke you ar y^e man," etc. Sworn in court.

Henery Akers deposed that Hobbs swore that he would be the death of Richard Doell and Beriah Browne if he met with them. Sworn in court.

† Autograph.

Buswell, Wm. Osgood, Wm. Fullar, Godfrey Dearborn and Wm. Marston, jr.

Jury of trials: Jno. Redman, sr., foreman, Tho. Mudgett, Hen. Green, Jno. Foulsham, Tho. Nicolls, Samll. Foot, Samll. Gile, Jno. Clough, Antho. Stanian, Benjamin Shaw, Jonathan Thing and Daniell Ladd, sr.

Tho. Mudgett v. Henry Langstaff. For unduly taking up and detaining a brown bay stone horse, branded with an S. Verdict for defendant.

Mr. Wm. Hooke v. Jno. Eaton. For not making him satisfaction for several goods delivered to him and his children by himself and attorney, and for summering his cattle at said Hook's farm, also for exchange of oxen. Verdict for plaintiff.

Henry Green, assignee of Harlakinden Symonds v. Capt. Walter Barefoot. Debt. To be paid in boards or staves. Verdict for defendant.*

Henry Green and Henry Robie, attorneys for the town of Hampton v. Nathll. Boulter, Danniell Tilton and Jno. Hugings. Trespass. Upon Hampton commons, by breaking up

*Edward Chambers, aged about twenty-nine years, deposed that on Dec. 20 last, Abraham Drake, marshal of Hampton, came to Kittery Poynt with an execution against Walter Barefoote and Henry Greenland, for 100li. in the suit of Harlackenden Simons. Greenland sent for the law book and read the law to the marshal and delivered to him the principal, Barefoot, whom deponent saw the marshal receive to his arms a prisoner. After service, Barefoot said he would immediately show him security to redeem his person and showed him the great warehouse at the Poynt and the land belonging with two cellars dug and walled, saying that all this was his and cost him 300li., and that he had the deed in his pocket. This did not satisfy the marshal, but one Henry Greene and Lt. Sweet of Hampton being there, told him that Barefoot had also a house near the mill at Strawberry banke on which they would levy the execution; but Barefoot said it was not his and had nothing to do with it, upon which said Barefoot tendered himself as a prisoner, and said if they would go as far as Capt. Lockwood's, he would show him other land. Sworn before Elias Stileman,† commissioner and copy made by him.

That a bond for Barefoot's appearance was given, was sworn to Oct. 5, 1672 by Mr. Jno. Groth before Elias Stileman,† commissioner, and also owned in court by Henry Green.

§ Autograph.

and endeavoring to appropriate the common to themselves, it being upon Tayler's river near the Indian graves, westward of the town. Withdrawn.*

Jno. Sinkler v. Ralfe Hall. Trespass. For pulling up his fence and molesting him in his planting last spring, for claiming his land and endeavoring to alter the title, which land lay near to Sinkler's house in Exeter.

Mr. Samll. Dudley v. Edward and Charles Hilton. Debt. In merchantable boards. Verdict for plaintiff. Court, upon chancering the bond, allowed plaintiff damages to be paid in pine boards at Exeter.

Daniell Ela v. Jno. Godfrey. For unjustly molesting and prosecuting him. Verdict for defendant.

Mr. Jno. Gillman v. Jno. Matson. Debt. That he promised to satisfy in two good firelock muskets and send them to him before September, 1671. Defaulted.

James Kid v. Jno. Foulsham, Peter Foulsham and Samuel Levit. Trespass. For conveying away pine logs which plaintiff had cut in the mast swamp at Exeter. Verdict for plaintiff.†

Nathll. Boulter, attorney for Miriam King, widow of Tho. King v. Henry Moulton and Jona. Thing. For detaining certain estate given her by will of her late husband. Withdrawn.

Nathll. Boulter, assignee of Miriam King, widow v. Henry Moulton and Jonathan Thing. For not making good certain articles of agreement made with said Miriam King, concerning her maintenance, dated Oct. 11, 1671. Verdict for defendant.

*The selectmen ordered Ensigne John Samborn and Tho. Ward to warn them against making use of the town commons, upon penalty of paying damages, dated June 3, 1672, and signed by Samll. Dalton,‡ for the selectmen. John Samborn‡ certified that he warned them as ordered.

†Ralph Hall, aged about fifty-three years, deposed that he was desired by John Foulsem, sr. and Samuell Levitt to go with them into the swamp commonly called Mr. Dudley's swamp at Exeter to view the place where Joseph Tayelor and Johanathen Robison of Exeter said that James Skid came and forewarned them against carrying away certain logs that were cut there and trees felled. He found by the copy of a grant of eighty acres to Mr. Dudley in that swamp that the timber felled was near the middle of the grant. Will. Moore testified to the same. Sworn in court.

‡ Autograph.

Abraham Drake v. Job Clement. For not satisfying Lewis Zackerias, one of the Dutch seamen belonging to the ship called the *Sancta Maria*, for his proportion of wages due from said ship according to promise made to the marshal and seamen when he sold his right in said ship.

Jno. Severans v. Abraham Drake. Debt. Verdict for plaintiff.

Mr. Henry Dearing v. Francis Thorne. Debt. For withholding debt due in white oak pipestaves, in which he is bound with Arthur Bennick. Defaulted.

Wm. Fifeild v. Jno. Bersham. For molesting him with an execution after agreement concerning the judgment. Plaintiff was engaged to pay defendant, in behalf of the town of Hampton, for keeping school. Verdict for defendant.*

Robert Ring v. Nathll. Clarke. For taking away a load of hay from his meadow, commonly called "ye points," that part toward the lower end, over against John Gill's marsh, and laying claim to said marsh. Said marsh lay within the bounds of Salisbury and is part of his second division. Verdict for plaintiff. Appealed to next Court of Assistants. Nathll. Clarke of Nuberie and Nathll. Weare of Hampton were bound for said Clarke.

Jonathan Thing v. Richard Scammon. Debt. Defendant acknowledged judgment to plaintiff.

Jonathan Thing and Henry Moulton, executors of the estate of Thomas Kinge v. Nathll. Boulter. For not making good a covenant concerning the surrender of the eighth part of a saw-mill at Exiter, dated Oct. 27, 1661, under the hand and seal of said Boulter. Verdict for plaintiff.

Edward Colcord v. Nathll. Boulter and Francis Page. Trespass. For cutting grass on plaintiff's meadow on the west side of the town for twelve or fourteen years, and for endeavoring to alter the title. Verdict for defendant.†

*Antoney Stanian, aged about sixty-five years, deposed that about a month ago he heard Will. Fifeild own that he had not gathered up the pay due to Mr. John Bashame from the town of Hampton for keeping school. Abraham Drake, marshal, deposed the same. Sworn in court.

†Writ, dated Oct. 3, 1672, signed by Samll. Dalton,‡ for the court, and served by Abraham Drake,‡ marshal of Hampton.

‡Autograph.

Robert Evens v. Henry Robie and Nathll. Boulter. Trespass. For cutting and carrying away his hay and grass from a fresh meadow near the beach, which he bought of Edw. Colcord. Verdict for plaintiff. Appealed to the next Court of Assistants. Henry Roby, Nathll. Boulter and Daniell Tilton bound.

Georg Corlis v. Joseph Davis. For not paying 12li. and two days' work with a team, which said Joseph was to have paid for the service of the said George's son Jno. with him for a twelve months' time, and also for not paying plaintiff 4li. which defendant received of Jonathan Thing of Exiter, upon plaintiff's account. Nonsuited.

Daniell Ela v. Benjamin Bongraine. Debt. Due for dieting him and his men and for provisions, also for piloting two ships for him. Verdict for plaintiff.*

Georg Swete v. Francis Thorn. Debt. For wages. Defaulted.

Abraham Drake v. Jno. Severans, attorney to Lewis Zakerias. Review of an action tried at the last Salisbury court, when defendant recovered judgment for wages. Verdict for plaintiff. Appealed to the next Court of Assistants. John Severans of Salisbury, attorney to Lewis Zakerias, the Dutchman, and Henry Green bound.

Henry Roby v. Capt. Walter Barfoot. For damage in money which was recovered against plaintiff at the last Court of Assistants in a case between Barfoot, as his attorney, and Robert Marshal. Verdict for defendant.

*James Pecker, aged about fifty years, deposed that in 1672 he heard Mr. Bengaman Boonegraine say that he was to give Danill Ela forty shillings in silver and to spare him one of his men to go down to Newbery with said Daniel's ketch to pilot Boonegraine's vessel to Salem. Said Daniel did pilot the said vessel to Newbery, and Boonegraine told deponent that Ela was going to Salem with his own vessel, but that Boonegraine had altered his plans and should not go with his vessel. Sworn, Oct. 7, 1672, before Nath. Saltonstall,† commissioner.

Jno. Curwin deposed that being at Mr. Gedny's with Benj. Bowngroyne and Danell Ela, he heard that said Benjamin was engaged to pay Ela three or four pounds for piloting his ship up Merremack river. Sworn, 3 : 8 : 1672, before Wm. Hathorne,† assistant.

† Autograph.

Elizabeth Wells was appointed administratrix of the estate of her husband, Richard Wells, late of Salisbury.

Court ordered that Richard Currier, executor of the will of Samll. Robins, produce the will at the next Salisbury court, to be proved.

Court granted license to Mr. Carr to sell cider and beer by retail at his ferry until the next Salisbury court, provided the selectmen of Salisbury give their approbation.

Jane Cartwright, being convicted of fornication, was sentenced to be whipped ten stripes, to be given her as Mr. Dalton shall think it convenient, unless she pays 3li. fine.

Mary Parker, for fornication, was sentenced to be whipped ten stripes or pay a fine.

Capt. Christopher Hussie, Ensigne Jno. Samborn and Mr. Samuell Dalton were appointed commissioners to end small causes in Hampton for the ensuing year, said Samborn and Dalton taking the oath, and Mr. Dalton being ordered to administer the oath to Capt. Hussey.

The complaint against Eunice Cole was referred to Salisbury court and Mr. Samll. Dalton was in the meantime to take what depositions were to be presented.

Charls Hilton acknowledged judgment to Nicolas Lissen, assignee of Mr. Willi. Norton, to be paid in boards at Exiter, according to a bill dated Oct. 27, 1669.

Samll. Davis of Haverhill acknowledged judgment to Robert Wadleigh, to be paid in neat cattle.

Susanna Worcester was appointed administratrix of the estate of her husband, Timothy Worcester of Salisbury, deceased. Court ordered that the widow have one-half and the two children, Sarah and Susana, the other half, the house and land to remain as security for the children's portions until they reach the age of eighteen. The widow was to have the use of the children's portions for their education and bringing up.

Henry Palmer, George Brown and Willi. White were appointed commissioners to end small causes in Haverhill, and to take oath before Capt. Saltonstall.

Samll. Currier, presented for cursing and swearing, was fined.

John Godfrey, upon suit by Matthias Button, and the latter not appearing, was discharged.

Major Robert Pike, Henry Brown and William Buswell were chosen commissioners to end small causes for Salisbury.

Hananiell Bosworth and Jno. Griffyn were appointed administrators of the estate of widow Satchwell, late of Haverhill, and were ordered to appear at the next Salisbury court.

Sabina Marston, executrix of her husband, William Marston, sr., reserved her right of thirds in the estate, and was given the use of the estate until the child to whom the estate is given comes to the age of eighteen years or is married with her mother's consent.

Daniell Ela, presented in Salisbury court, Apr., 1672, for being drunk at Nuberie at Robert Holmes' house, also for cursing and swearing, was convicted and fined. He was ordered to remain in prison until the judgment was satisfied.

Joseph Hall of Lyn, charged by Elizabeth, wife of Nathll. Eastman of Salisbury, as being the father of her child before her marriage, and the charge having been proved true, was ordered to pay 12li. toward the child's maintenance to the husband of Elizabeth, in provisions within two years. Hall was also to pay 5li. according to law to Jonathan Hudson, father of Elizabeth, for enticing her and frequenting her company contrary to her father's warning. Robert Burges of Lyn was surety for said Hall.*

Elizabeth, wife of Nathll. Eastman of Salisbury, was to be whipped severely or pay a fine, for fornication before marriage.

Court ordered Mary Parker, the maid of Moses Gillman of Exiter, to continue and live with him as a servant for three years after her time expires, unless she pay her master 6li. Also that the child of said Mary should live with said Gillman and his heirs as a servant until it reaches the age of twenty-one years, unless the father of the child should redeem it and satisfy Gillman for the charge of education.

*Elizabeth Osgood, midwife, deposed that Elizabeth, wife of Nathanel Estman, told her that Joseph Hale of Lin was the father of her child. Sworn, 7 : 8 : 1672, before Robt. Pike,† commissioner.

Hana, wife of Nathall. Browne, deposed the same.

Roger Estman and wife Sara, deposed the same. Sworn, Oct. 7, 1672, before Robt. Pike,† commissioner.

† Autograph.

Mary Wall and Hannah Wall chose their uncle Tho. Philbrick of Hampton as their guardian.

Charles Hilton acknowledged judgment to Mr. Henry Dearing, to be paid in deal board and white oak pipe staves.

All presentments not brought here were referred to the next Salisbury court.

Capt. Nathl. Saltonstall informed the court that Matthias Button died intestate, and none appeared to administer upon the estate.

Anthony Stanian, presented for striking Edw. Colcord, jr., was fined.

Joell Judgkin, convicted of drunkenness, swearing and cursing, was fined.

Susana Worcester, widow, for suffering inconvenient meetings of young persons at her house at unseasonable times, was fined by Major Robert Pike.

In answer to the complaint of Jonathan Thing and Henry Moulton, court declared that the widow King ought not to assign her yearly maintenance to any one man but ought to take advice of her husband's executors, because she and they had made a covenant, and she had no power to assign it.

The clerk of the writs of Haverhill was ordered to inquire concerning the estate left by Matthias Button and bring in an inventory to the next Salisbury court.

Court being informed that John Littleale of Haverhill lay in a house by himself contrary to the law of the country, whereby he is subject to much sin and iniquity, which ordinarily are the companions and consequences of a solitary life, it was ordered Oct. 12, 1672, that within six weeks after date he remove and settle himself in some orderly family in the town, and be subject to the orderly rules of family government, unless he remove from the town within that time. If he did not comply with this order, the selectmen were ordered to place him in some family, which if he refused, a warrant was to be issued to place him in the house of correction at Hampton.

A rate of 30li. was ordered for the county charges.

Ordered 5s. to the servants of the house, also 5s. to Mr. Jno. Samborn's servants, to be paid by the Treasurer.

Writ: Henry Dering v. Samawell Foulsham; debt; dated

COURT HELD AT SALEM, 26 : 9 : 1672.

Judges: Mr. Simond Bradstreet, Mr. Samuel Simonds, Maj. Daniell Denison and Major Wm. Hathorne.

Grand jury: Capt. Walter Price, Leift. Thomas Putnam, Mr. Jno. Corwin, Daniel Andrewes, Edw. Graves, Joseph Phippen, Robert Leach, Richard Reafe, Wm. Fisk, Hen. Collens, sr., Hen. Roads, Wm. Craft, Frances Burell and Wm. Vinson.

Feb. 4, 1671-2; signed by Stephen Robinson,* for the court; and served by Abraham Drake,* by attachment of house and land of defendant.

Writ: James Davis v. Thomas Davis of Haverhill and Mr. Ric —, administrators of the estate of Joseph Davis of Haverhill; debt; dated Jan. —, 1671-2; signed by —; and served by Jno. Williams,* constable of Haverhill.

Writ: Jno. Severans v. Walter Tayler's estate in the hands of Tho. Mudget; debt; dated 23 : 12 : 1671; signed by Tho. Bradbury,* for the court; and served by Henry Browne,* deputy constable of Salisbury, by attachment of the dwelling house and land of Tho. Mudgett, and by John Ward,* constable of Amesbury, who attached the estate of Walter Tayler.

Writ: Abraham Drake v. Andrew Wiggin. For withholding a debt for two loads of hay delivered at Exeter at the house of Richard Morgen in 1670; dated Mar. 29, 1672, signed by Samll. Dalton,* for the court; and served by Abraham Drake,* marshal of Hampton.

Execution, dated 14 : 8 : 1672, against Nathl. Boulter to satisfy judgment granted to Jonathan Thing and Henry Moulton by Hampton court, 8 : 8 : 1672, signed by Tho. Bradbury,* recorder, and levied by Abraham Drake, marshal of Hampton, upon neat cattle and pigs, appraised by Godfrey Dearborn and John Levett. Copy made by Tho. Bradbury,* recorder.

Henry Sewall deposed that the meadow that he bought of Mr. Worcester he had let out, and those to whom he let it had never been molested. Sworn, 9 : 2 : 1672, in Salisbury court. Copy made by Tho. Bradbury,* recorder.

Will. Starlin, aged about thirty-five years, testified that when he did a little work about John Severance's vessel, he was at Samewell Currier's house and heard Currier use cursing and swearing words. Sworn, 9 : 2 : 1672, at Salisbury court.

Phillip Toelee's bill of cost against George Walton, 15s. 2d. Allowed, 9 : 2 : 1672, at Salisbury court.

James Pecker and Isack Cousens, agreed to keep a sufficient fence between their lot and John Clements. Wit: William White* and Theophilus Shatswell,* who made oath, 9 : 2 : 1672, in Salisbury court.

* Autograph.

Jury of trials: Mr. Samuel Gardner, Mr. Bartholl. Gedney, Richard Prince, Hilliard Veren, Richard Leach, Zachariah Herick, Mathew Farrington, Tho. Bancraft, John Pearson, John Haukes, Abra. Robinson and Jno. Deuerix.

Richard Dole v. William Neafe. For not giving to the said Dole sufficient security for a debt. Verdict for plaintiff, if the process of law be legal requiring, if not, verdict for defendant. Court judged that in this case the process was not legal requiring.*

Capt. William Geerish v. Wm. Neaph, alias Hodgneph. Debt. Verdict for defendant.†

Mr. Elizur Holioak and Crispus Brewer, his tenant v. Thomas Farrer. For denying to said Crispus his making use of a highway. Verdict for plaintiff.‡

*Writ, dated Oct. 17, 1672, signed by Nath. Saltonstall,§ for the court, and served by Steven Webster,§ constable of Haverhill, by attachment of Will. Neff's land, which was formerly Daniel Ela's, and 6li. 10s. in the hands of Steven Dowe.

Letter of attorney, dated Nov. 18, 1672, given by Richard [Dole] of Newberry to ——— sr. of Salem. Wit: Joseph Collins§ and Hilliard Veren, sr.§

Bond, dated Apr. 22, 1672, William (his mark) Neafe of Haverhill to Richard Dole of Newbery, for 20li., to be paid in white oak hogshead heading two feet, three inches in length, and hogshead staves, and delivered at the landing place in Haverhill. Wit: John Lowell and Thomas Dole. Copy made by Hilliard Veren,§ cleric.

†Writ, dated Nov. 2, 1672, signed by Anthony Somerby,§ for the court, and served by Steven Webster,§ constable of Haverhill.

Wm. Gerrish's bill of cost, 1li. 12s. 9d.

Bond, dated Apr. 2, 1672, given by Wm. (his mark) Neph of Haverhill to Wm. Gerrish of Newbury, for 6li., to be paid in wheat or pork. Wit: George Browne§ and Richard Dole.§ Browne made oath, Nov. 11, 1672, before Nath. Saltonstall,§ commissioner, and Dole, 18 : 9 : 1672, before Daniel Denison.§

‡Writ: Mr. Eliezer Holioake and Crispus Brewer, his tenant v. Thomas Farrer; for denying said Brewer the use of the highway that goes by his house and leads to the land of said Mr. Elizer Holioake at or adjoining Sagamore hill, so called, in Lynn, and for turning back said Crispus's cattle when they were driving to pasture; dated 12 : 9 : 1672; signed by Hilliard Veren,§ for the court; and served by Thomas Iovry,§ constable of Lin.

§ Autograph.

Mr. Holyoke's bill of cost, 1li. 18s. 11d.

Edward Richards of Lynn, aged about fifty-five years, deposed that he had known that there had been a highway to the land at Sagamore hill, which was Capt. Turner's at Lynne, and which had been enjoyed by Capt. Turner and Mr. Holyoke for thirty-seven years. This way had been owned by all the proprietors of those lands that bordered upon it until Thomas Farrar came to be a proprietor there. Deponent for some time possessing the lands that were Carman's, he was troubled that Mr. Holyoke had such free course through there to his land, and got him to Mr. Willis's house before some gentlemen of the town to open his complaint. Those gentlemen produced a record of the town book, which declared that those lands by which the said highway went were granted on condition that Capt. Turner should have a highway there through to his land at Sagamore hill. Sworn, 12 : 5 : 1671, before Wm. Hathorne,* assistant.

Copy of a record of the meeting of the selectmen of Lyn, 22 : 2 : 1656, made, 9 : 9 : 1672, by Thomas Laughton,* cleric: "It was Agreed y^t by y^e evedence the Selectmen heard y^t m^r Holyoake and y^e lots adioyninge to him att Sagamore Hill is to haue a Highway through Thomas Farrars Land and to bee in the same place where it formerly hath been, which is neare his house, to their Lands & it is Agreed y^t this Highway is to bee tow poole wide."

John (his mark) Peirceson, sr., of Lynn deposed, July 11, 1671, that about thirty-two years ago, having occasion to be often with Goodman Foster of Lyn, who lived on the land that Thomas Farrar now possesses, Goodman Foster told deponent that all those lots were given with provision not to disturb Capt. Turner in his passage and that there was to be a highway to the land of said Turner. "Also in those ancient tymes I have heard Goodm: Foster say y^t if he would make a way ouer y^e Creek he might be freed from this highway over his land but it seemes he never attended to make a way ou^r y^e marsh & creeke: moreover I dwelling upon y^e land wth was Goodm: Fosters (wch now Goodm: Farrar possesses) for three yeeres M^r Holyoke had a way to his land over Goodm: Fosters land without molestation." Sworn, 12 : 5 : 1671, before Wm. Hathorne,* assistant.

Letter of attorney, dated Oct. 24, 1672, given by Elizur Holyoke* of Springfield and Chrispas Brewer* of Lynne to Lieut. Thomas Putnam of Salem and Andrew Mansfield of Lynne. Wit: Thomas Laughton* and Sara Laughton.* Sworn in court.

Thomas Laughton, sr., deposed that Crispus Brewer asked him to go with him to Thomas Farrer's house to see if he might put his cattle into his field by way of the highway, and when they came to said Farrer's, there was William Bassett, sr. Farrer

* Autograph.

Arther Mason, attorney of Wm. Titherly v. Mr. Edmond Batter. Review of a case tried at the last November court. Withdrawn.

Edward Woolland, attorney of Anthony Peadle v. Mr. Wm. Browne, sr. Debt. Upon a fishing voyage. Verdict for defendant.*

said he had no highway there. Deponent desired Farrer to let Brewer put in his cattle now and in the spring Mr. Holyoake might be there himself, and Farrer replied that if his neighbor Brewer desired it upon courtesy after his hay and turnips were in, he might do so, etc. William Bassett, sr., testified the same. Sworn in court.

Thomas Brewer, aged upward of fourteen years, testified concerning Farrer driving the cattle out of the highway. Sworn in court.

Edward Ireson of Lynne, aged seventy years, deposed that above forty years ago, he was servant to Mr. Johnson, deceased, and living in Lynn almost ever since, he was well acquainted with the lands of Capt. Turner. Mr. Dillingham had three acres next adjoining to Turner, through which the latter had a way allowed to his land about where it is now. Next was Goodman Foster's and next him was Carman's land by the way to the windmill. These lots butted on the highway where Turner, and after him Mr. Edw. Holyoke, passed with carts and cattle. Deponent had three acres given to him by the town, which afterwards was Carman's, and he had a right of way. Sworn, July 12, 1671, before Wm. Hathorne,† assistant.

*Writ: Edward Woolland, sr., attorney to Anthony Pedle of Monhegin v. Mr. William Browne, sr.; debt, upon account of a fishing voyage in 1661; dated Nov. 19, 1672; signed by Hilliard Veren,† for the court; and served by Henry Skerry,† marshal of Salem.

Bill of Wm. Browne,† dated Salem, Nov. 14, 1661, the account being made up and the rest due to Goodman Pamer, 51li. 8s. 1d.; due to Tho. Harris, 6li. 3s. 5d.; due to Goodm. Pedle, 5li. 1s. 1d.

Letter of attorney, dated July 10, 1672, given by Anthony (his mark) Peadell‡ of Maunhegin to Edward Woollen of Sallem. Wit: Elias White† and John (his mark) Roads, sr. Sworn, 26 : 9 : 1672, before Daniel Denison,†

John Pamer of Munhegin is debtor, 1660, 59li. 18s. 6d.; for the freight to Richard Gardner, 18s. 6d. Received by Richard Gardner, 114 quint. of fish at 30 Ry p quint. 85li. 10s.; by 12 quint. fish and 2 of Refuse, 9li. 18s.; by Mr. Balch, 14 : 9 : 1660,

† Autograph.

‡ Seal.

Richard Read v. Christopher Lattamore. Trespass. Withdrawn.*

31 quintalls of fish at 28 Ry per, 21li. 14s.; total, 117li. 2s.; Rest to you is 56li. 5s. John Pamer, half coming to him, 28li. 2s. 6d.; Thomas Harise, a quarter part to him, 14li. 1s. 3d.; Anthoney Pedle, a quarter part to him, 14li. 1s. 3d.; total, 56li. 5s. This is the account "that I made up with John Dolling that had no parte in the voyage but as he saide he order from one man."

John Pamer, debtor, 60li. 17s.; received by Richard Gardner, 85li. 10s.; by Richard Gardner, 9li. 18s.; total, 95li. 8s.; rest to be divided, 34li. 11s. To John Pamer, half, 17li. 5s. 6d.; to Thomas Harris, one quarter, 8li. 12s. 9d.; to Anthony Pedle, one quarter, 8li. 12s. 9d.; total, 34li. 11s. "This last account was made up with John Pamer who had half the voyage and said the 31 quintalls of fall fish belonged to himself and I gaue him Credit for it in his owne perticuler accounte soe that if the first acc^o stand being A great Earor in it then I pay for 31 quintalls of mar^t fish twice it was made up by one that knew nothing of it & had nothing to doe in it."

*Writ: Richard Read v. Christopher Lattamore; trespass; for running a mooring or causing it to be "runn fowle of y^e mooring of y^e p^{lt} & mooring of his boat foule of y^e boat of the p^{lt}: whose mooring had bene layd in that place two or three yeare before, & is against his owne land & house & stages, wherby the p^{lt} his side of his boat is broake downe;" dated 14 : 9 : 1672; signed by Hilliard Veren,† for the court; and served by John Waldren,† constable of Marblehead.

James Dennes† and Nathaniel Walton† certified that they repaired the damaged boat, and the cost for timber, with carpenter's labor, was 1li. 5s.

Abraham Sneshshell, aged about twenty-two years, deposed that about three years ago Richard Read had a mooring over the coves, at which time Lattimer had no mooring. Also that the boat was fitted for sea and was so much damaged by Lattimer's boat that she had to be repaired. Sworn in court.

William Pitt, aged nearly four score, testified that about twenty-five years past, he bought of John Goyte of Cape Ann, house, stage and land in Marblehead, with the privilege of the cove where he moored his boat and peacably enjoyed it many years without any molestation by any man. Afterward he sold all to his son Cristover Lattimer who was unmolested until within two or there years ago when Richard Read came there. Sworn in court.

John Martin, aged about thirty years, testified that about two years and two months ago, he went to sea fishing in his own

† Autograph.

boat and hired a mooring of Richard Read, and he and John Codner often found Lattimore's skiff's collar upon their mooring. Codner loosed the collar and heaved it ashore, etc. Sworn in court.

John Codner, aged about fifty years, deposed that when he built his stage about twenty years ago, he and Lattemore stretched their moorings from one side of the cove to the other upon each man's land, to two rocks. When Mr. Lattemore's mooring was taken away, he moored a boat to my mooring and paid for it and so kept possession of the mooring place. All the boats that were in the cove made fast to their land. John Peach, sr., aged about sixty years, mentioned. Sworn in court.

William Neck, aged about forty years, deposed that he came into the country about twenty-two years since, and there was then no stage in the cove except Mr. Pitts's. Sworn in court.

Amberus Gale, aged about forty-four years, testified that he came to Marblehead about twenty-three years ago, etc. Sworn in court.

John Trevey, aged about forty-five years, deposed that "last summer was twelve month," he went to sea in Lattimore's boat and they had no mooring at all for the boat but rode at anchor in the harbor. Sworn in court.

Walter Borson, aged about twenty-six years, deposed that he went to sea with John Martin, who hired mooring of Richard Read, giving him one quintal of fish for the use of it. Sworn in court.

John Northey, aged about sixty-five years, deposed that about twenty-five years ago, he stretched the mooring at Mr. Lattemore's stage, and it belonged to that stage from the beginning of setting up of stages in Marblehead, which is about twenty-seven years ago. John Peach testified to the same. Sworn in court.

Moses Mavericke, aged about sixty-two years, deposed that about thirty-seven years since, John Coite and Goodman Lam built a stage at Marblehead where now Latamore's is. Richard Read has built a stage between John Codner's and John Northey's, in the cove that was agreed on to be a place of public use for the town. Sworn in court.

John Merritt, aged about twenty-nine years, deposed that when Latemore warned Read to take his boat away, the latter said he would keep it there in spite of his teeth. Sworn in court.

Nicholas Merritt, aged about fifty-nine years, deposed. Sworn in court.

John Devericks, aged about fifty-five years, deposed that about twenty years ago, he built John Codner's stage. Sworn in court.

Richd. Rowland v. Capt. James Smith. Debt. Verdict for plaintiff.*

John Godfery v. John Williams, jr. For taking away three cows out of his possession. Verdict for plaintiff.†

Edward Berry and Elizabeth, his wife v. Nicholas Woodbery. Review of a case tried at the last Salem court. Verdict for defendant.‡

*Writ, dated Nov. 19, 1672, signed by Moses Mavericke,§ for the court, and served by John Waldren,§ constable of Marblehead.

Richard Rowland's bill of cost, 1li. 3s. 10d.

Bond, dated Aug. 30, 1670, from James Smith§ of Marblehead to Richard Rowland of Marblehead, for 10li. 5s., to be paid in fish. Wit: Moses Mavericke§ and Erasmus James.§ Acknowledged in court by James Smith.

†Writ, dated Oct. 19, 1672, signed by Anthony Somerby,§ for the court, and served by Stephen Webster,§ constable of Haverhill, by attachment of the house and land of defendant.

Hue and cry, dated 16 : 4 : 1671, for John Godfrey whom Abraham Whitacker charged with feloniously taking away three cows, signed by John Williams,§ constable of Haverhill, who returned that he had taken said Godfrey, and "becos of Athority not being at home & it being doutful what to doe in respect of Commeting him to prison: haue secured him for appearance before m^r Saltinstall." He also took bond for his appearance, Edward Clarke, surety.

John Godfere's bill of cost, 2li. 4s. 6d.

Letter of attorney, dated Oct. 2, 1672, given by John (his mark) Williams of Haverell to his brother-in-law John Colby of Amesbury. Wit: Mary (her mark) Parker. Acknowledged before Robt. Pike,§ commissioner.

Bond, for appearance of John Godfrey, dated June 17, 1671, Edward Clarke§ of Haverhill, surety. Wit: Robert Ford§ and Joseph Davis.§

Copy of depositions, taken from Salem court records of June, 1672, in the case of Godfery v. Williams, by Hilliard Veren,§ cleric.

‡Writ, dated 12 : 9 : 1672, signed by Hilliard Veren,§ for the court, and served by Henry Skerry,§ marshal of Salem. Bond of Nicolas Woodbery.§

Nicholas Woodberrey's bill of cost, 14s. 6d.

Copy of the will of Roger Haskell, taken from the Salem court records of 26 : 4 : 1667, by Hilliard Veren,§ cleric.

William Hascoll, aged about fifty-five years, and Samuel Gardner, aged about forty-five years, testified that at the time

§ Autograph.

of the sitting of Salem court in June, 1672, they went to Edmond Berrey's house to call his wife to court. She told them that she had freely given up all her right in that land to her former husband Rogger Hascoll before his death, and wished her children to enjoy it. Also she was unwilling for her present husband to sue for it. She said that her husband Roger Hascall was half purchaser with her mother Hardy of all the land they bought of Mr. Geffard, that is, of Garford's point and the four score acres in controversy. Sworn, 18 : 9 : 1672, before Wm. Hathorne,† assistant, and also sworn in court.

Jacob Barney, sr. and William Dodge, agents for Mr. Gervis Garford, testified that they laid out to Roger Hascoll eighty acres lying between Lord's hill and Burch plain, and that said Dodge saw William and John Haskall deliver it to Nicholas Woodbery by turf and twig. Copy made by Hilliard Veren,† cleric. Sworn in court.

Petition of Elizabeth, wife of Edward Berry: "I had disposed my mind to my husband that now Is Concerninge the sute of law he had with m^r Nicholas Woodbury about the land which my mother gaue to me which is my Reight I thoft I should haue Noe busines theare at Court But my Brother In law William Haskoll found me out and perswaded me with these words, will you giue away your Estate to such a Husband that saith you are a baud And such like prouokations If he Recouer the Land he will sell It & make a bag of mony and shew you a Leight pare of heels whare uppon I went to the Court when I Came thare Maior dinison sayed to me, Come good woman you gaue Consent to your husbands will did you not, In my fury I did say It Sir: But I haue Considered since I haue don my selfe great wrong in spekeinge that word which was not truth for I doe protest before god that I neuer gaue free consent to Roger Haskolls will which was my former Husband. This man Haskell after his brother Roger was dead the Court was a fortnight after or thereabout, the sd Haskell Remeaned with me most of the tyme night and day using many arguments & prouocations with me to haue me goe to that Court to haue the will proued when I was very full of trouble, knew not what I did being so short a tyme I did I knew not w^t but did by his Aduise." Sworn before Wm. Hathorne,* assistant.

Edeth Herick, aged about sixty years, deposed that she often heard her father Hugh Laskin say that William Haskoll was half purchaser with his brother Roger Haskoll in the farm which her father sold them and that said William possessed and enjoyed the same some time before my father went away, which is about twenty-five years. Sworn in court.

John Grover, aged about forty-five years, deposed that William Haskoll, sr., kept the farm about seven years until such

* Autograph.

Mr. Bartholmew Gedney and Erassmus James, making return of their administration upon the estates of Elias Young, Ed. Foster and Wm. Yabsley, were discharged.

Jno. Collens and Sarah, his wife v. John Hathorne. Slander. Withdrawn.*

Jno. Safford v. Hen. Leonard. Debt. Of about 10 C. of bar iron. Verdict for plaintiff.†

Jacob Knights, attorney to William Bartrum v. Samuel Benett. Debt. Forfeiture of a bond of arbitration. Withdrawn.

time as he went away, and then Goodman Herrick came in upon his right. Sworn in court.

* Writ: Joseph Collins and wife v. John Hathorne; slander; for saying in Salem at the last county court that last Christmas day at night plaintiff had seventeen quarts of rum drunk in his house, that many who were there were disguised with drink, and that plaintiff's wife was so drunk that she could not go to bed without being carried; dated Nov. 18, 1672; signed by John Fuller,‡ for the court; and served by Thomas Ivorye,‡ constable of Lin, by attachment of land of defendant's, adjoining the lower end of Mr. Whiting's lot and some back of John Hathorne's house.

† Writ, dated Nov. 9, 1672, signed by Robert Lord,‡ for the court, and served by John How,‡ deputy marshal of Ipswich.

John Saford's bill of cost, 3li. 2s. 1d.

Jno. Howe deposed that being at Mr. Leonard's house, Marshal Lord demanded iron for John Saford, which Leonard said would be ready the next morning. The marshal told Ens. John Gould to carry the iron. Zacheus Curtis testified the same. Sworn in court.

Samuell Lenord deposed concerning his father's iron and the weighing of it. Sworn in court.

James Hanscombe deposed that Ens. John Gould came with his man and team for some iron to carry to the Worshipfull Major Denison, for John Saford. Gould asked who was to pay him and not being assured, bade his man drive away, so the iron lay there still at the forge. Sworn in court.

Jno. Everard and James Car deposed. Sworn in court.

Robert Lord, jr., deposed that he was requested to demand 12 C. of iron for Major Denison and about 10 C. for John Safford, etc. Sworn in court.

John Gould deposed that he agreed to take the two parcels to Ipswich, and Denison's iron was ready, but Saford's was not. Also that he would have had to wait an hour or two for it, and it was then dark. Sworn in court.

Robert Lord, jr., and John Gould deposed.

‡ Autograph.

Hen. Benett v. Benjamin Morgaine. Debt. Withdrawn.

John Todd v. William Neafe. Debt. Verdict for plaintiff.*

Edward Humphries acknowledged judgment to Capt. George Corwin.

Stephen Greegs acknowledged judgment to Capt. George Corwin.

John Browne of Ipswich acknowledged judgment to Mr. John Gedney, in wheat or butter.

Jno. Northy v. Erasmus James. Review. Verdict for plaintiff, the title of the land in controversy.†

* Writ: Mr. John Todd of Rowley v. William Neff of Haverhill, debt, to be paid in white oak hogshead staves or neat cattle; dated Nov. 8, 1672; signed by Nathaniel Saltonstall,‡ for the court; and served by Stephen Webster,‡ constable of Haverhill, by attachment of a mare of Wm. Neff, in the hands of Daniel Bradley, and land he bought of Daniel Ela.

John Tod's bill of cost, 1li. 11s. 10d.

Bond, dated Mar. 8, 1670, William (his mark) Neff of Haverhill, to John Tood, for 7li. 12s., in consideration of a horse and 9s., to be paid in white oak hogshead staves and heading, delivered in Haverhill. Wit: John Griffing‡ and Robert Clemens.‡ Sworn, Nov. 25, 1672, before Nath. Saltonstall,‡ commissioner.

Letter of attorney, dated Nov. 26, 1672, from John Tod‡ to Robert Lord, jr. Acknowledged, Nov. 26, 1672, before Daniel Denison.‡ On the reverse: Tobacco at m^r Carleton's, 6li.; buttons a Card, 2s.; 2 paire of black gloves, 4s.; 1668, stockings, a paire, 4s.

† Writ: John Northey, sr. v. Erasmus James; review of a case tried at Ipswich, recovering title of a parcel of land near the house of said Northey, which on new evidence he thinks to make it appear to be his land; dated Nov. 19, 1672; signed by Moses Mavericke,‡ for the court; and served by Sam. Morgan,‡ constable of Marblehead.

Copy of the papers in this action, taken from the Ipswich court of Mar., 1671-2, made by Robert Lord,‡ cleric.

John Northeyes bill of cost, 2li. 11s.

June 18, 1657, "At a generall town metting it is granted to John Northy that swampe that lieth betwene his Land and william Nicks in lew of a Carte way, and alsoe the swampe that lieth betwene John hudsons and his Land in lewe of that one the northwest of that is one the other side of the Cart way and Laied out by John Bartoll and John peach, Junior." Copy from the town book of Marblehead taken Nov. 26, 1672, by Samll. Ward,‡ keeper of the book.

‡ Autograph.

Daniell King v. Jno. Goold. Verdict for plaintiff, forfeiture of the bond. Court agreed to chancery the bond of 10li. to 7li.*

John Peach, jr., aged about fifty-nine years, deposed that in 1657, he was chosen one of the selectmen of the town of Marblehead, etc. Sworn in court.

John Peach, sr., aged about sixty years, deposed. Sworn in court.

William Neck, aged about forty years, deposed that John Northy came to the town meeting at Marblehead to ask for a small parcel of swamp that lay west of his land about fifteen years since, and Mr. Johnson and others were appointed to view it, and it was granted. Then the land lying so that the cartway came through some of his land and no other convenient way could be found into the woods. The town had waste land between deponent and Northey, and exchanged with him, giving him all the waste land to the lower end of deponent's fence and he gave the town also land on the other side of the cartway upon which Northey's house stands, etc. Robert Knights, aged fifty-eight years, deposed the same. Sworn in court.

Francis Johnson, sr., of Boston, aged about sixty-six years, deposed. Sworn, Nov. 25, 1672, before Edward Tyng,† assistant.

Thomas Boin, aged about forty-seven years, deposed. Sworn in court.

Moses Mavericke, aged about sixty-two years, deposed that he with the other selectmen of Marblehead, going by the house of Erasmus James' about some land of the town which they were to dispose of, were asked by said James to buy a small parcel of land which is the land in controversy. "I was not then very Free to auct in itt because I had some sudden thoughts that John Northey might claime the land: butt erasmus James was soe importunate in words and actions that the selectmen had no time to consider: but did write in the Booke he was to haue the Land and we to stake itt out; but within one day or two Northey claimed the Land: we neuer stacked it out nor rec. pay for itt butt made Null the former writing till itt appeard whether it were the Towns land or John Northeys: after that Mr Francis Johnson speaking to me about itt I did call to mind and remember the Land was given Northey in Lue of the High way and other Land left out and am fully perswaded on that acc^o the Land in Controversy is John Northeys." Sworn in court.

*Writ, dated 13 : 9 : 1672, signed by Hilliard Veren,† for the court, and served by Henry Skerry,† marshal of Salem.

Summons, dated 14 : 9 : 1672, signed by Hilliard Veren,† for the court, and addressed to John Goold, constable of Topsfeild.

† Autograph.

Stephen Haskett v. John Stone. Withdrawn.

Major Wm. Hathorne v. John Goold. Debt. Verdict for plaintiff.*

Joseph Armitage v. Hen. Roads. Review. Withdrawn.

Joseph Armitage, attorney or assignee of Samll. Benett v. Capt. Tho. Savage. Withdrawn.

There being a copy of the will of Mr. Joseph Humfrye, deceased, presented to court and attested upon oath of Mr. Tho. Keland and Mr. John Wensly, before the Worshipful John Leveritt, Esq., Deputy Governor, Edward Ting, Esq., Assistant, and Isaack Addington, clerk, wherein the court found that said Humfrye bequeathed to Tho. Price, son of Mr. Richard Price,

Daniell King's bill of cost, 1li. 15s. 6d.

Daniel King† and John Gould,† 25 : 1 : 1672, in behalf of James Carr, chose Major Hathorne to end all differences and agreed to stand to the arbitration. Wit: Wm. Hathorne† and Rich. Walker.† Owned in court by John Goold.

John How and Edmond Bridges testified that on July 6 they appraised for John Gould as many young cattle as they judged worth 7li. 4s. 7d., to be delivered to Danill Kinge, etc. Sworn in court.

Thomas Pharoh, aged about fifty-five years, and Ezekell Nedham, aged about twenty-eight years, deposed that they went to John Goold's house with Daniell King to demand the money which Major Hathorne had awarded, etc. Sworn in court.

James Care deposed that Mager Hathron awarded that he should serve King six or seven months for what the Mager found him indebted to King.

Wm. Hathorne's award, dated Salem, Apr. 6, 1672: that John Gold pay in behalf of James Carr to Daniel King within three months, 1li. 17s. 7d., which Carr took above his wages, also 3li. 15s. for absenting himself from his master's service about three months, also 14s. in money for the charges of the house, and 18s. for King's charges in seeking for said servant.

Edman Briggess and John How deposed. Sworn in court.

*Writ, dated 13 : 9 : 1672, signed by Hilliard Veren,† for the court, and served by Henery Skerry,† marshal of Salem.

Summons, dated 14 : 9 : 1672, signed by Hilliard Veren,† for the court.

Bond, dated 7 : 6 : 1672, from John Gould† of Topsfeild to Major Hathorne of Salem, to be paid in bar iron at 20s. p C., and to be delivered at Mr. Browne's at Salem. Wit: Nathll. Mighell† and John Appleton.† Owned in court by John Goold.

† Autograph.

and Mrs. Elizabeth Pelham, all interest in his farm at Lyn, late in possession of Frances Ingolls, and now in the possession of Edmond Batter, who are to have possession of the farm given them, provided they pay to Mr. Ed. Batter, late administrator, 75li. 17s., his just due from the estate, to be paid in vendable goods or provisions. Said Price and Pelham and the farm were to be security against any of the relations of John Humfrys, Esq., deceased, who may have just claim thereto.

Will of Lazarus Farr and an inventory were brought into court and attested upon oath of the witnesses.

John Farr dying intestate, administration upon the estate was granted to Richard Stower and Joseph Farr, and an inventory brought in. An agreement for the division of the estate among the relations was allowed by the court.

Capt. Thomas Marshall had his license renewed.

Mr. Thaddeus Riddane had his former license renewed.

Hen. Walker, William Ellery and Thomas Pinny, all of Gloster, took the oath of freemen.

Frances Nurss was sworn constable for Salem.

Ordered that the county treasurer pay as soon as he can 25li. to John Pearson, sr., of Rowly, for his pains and charges about repairing the county bridge near Richard Thurloe's.

Thomas Robbin, an Indian, for excess in drink and for breaking into the house of the Worshipfull Mr. Simond Bradstreete, was sentenced to be branded on the forehead with a letter B, and to pay costs to the Andever constable.*

Daniell Knight dying intestate, administration of his estate was granted to Jacob Knights, his brother, who brought in an inventory, which was allowed. Court ordered that Elizabeth Bread, the natural mother of deceased, be paid 10li., and that John Knight and An, wife of Edward Richards, the natural children of the father of deceased, be paid 5li. each, and Priscilla Kertland, intended wife of deceased, be paid 10li. The rest of the estate was to be divided between Jacob Knights, Elizabeth Graves and Mary Wormwood, brother and sisters of deceased, the brother having a double portion. All legacies were to be paid within six months, all parties to share proportionately with regard to debts and credits.

*Bill of cost of William Chandler,† deputy constable, 14s.

† Autograph.

Mathew Price, for excessive drinking, was fined.

Court being informed that Joseph Booby moored his shallop by leave and right of John Northy, whose right had been lately sold to Richard Read, it was ordered that he move it to some other place unless he can make out that he has a right to this place, and so report to the next Salem court.

Richard Charlescraft dying intestate, Anthony Needham was appointed administrator of his estate, and was ordered to bring in an inventory to the next Salem court.

Joseph Armitage acknowledged judgment to Capt. Thomas Savage.

Tho. White dying intestate, administration was granted upon the estate to Ruth, the relict, who was ordered to bring in an inventory to the next Salem court.

John Farefield dying intestate, Sarah, the widow, was appointed administratrix, and an inventory* brought in by her was allowed.

John Norman dying intestate, Arabella, his wife, was appointed administratrix, and an inventory which she brought in was ordered as follows: to the eldest son John Norman, 40s., and to the rest of the children 20s. each, to be paid upon demand, the widow to have the remainder.

John Smith dying intestate, Elizabeth, his wife, was appointed administratrix, and she presented an inventory and was to add to it whatever might appear afterward.

George Burch dying intestate, Elizabeth, his wife, brought in an inventory of the estate, which was allowed. The children of the deceased, Elizabeth, John, Mary, Abigaile and George were to have 10s. each at age or marriage, and the widow was to have the rest.

*Inventory of the estate of John Fairefeld of Ipswich, taken 20 : 9 : 1672, by Tho. Fiske† and Richard (his mark) Hutten: Homestead, 140li.; a parcell of meadow in the great meadow, with upland undivided with his Brother, 52li.; beding, 3li.; wareing Cloathes, 2li. 10s.; two boxes & some other utensels, 18s.; Iron pott & tongs, 12s.; Chairs, 3s.; one Cradle & tub, 6s.; Catle, 25li.; swine, 6li.; two guns & sword, 2li.; spad, shovell, siev & axes, 17s.; Chaine & plowe Irons, 18s.; Chest & Bedstead with some other Small things, 1li. 12s. 6d.; a frying pan & Chest lock, 9s.; Corne, 5li.; total, 241li. 5s. 6d. Debts, 6li. There were 12 bushels of corn due from Walter Faierfeild for damage.

† Autograph.

Samuell Leach dying intestate, administration upon his estate was granted to Hanna, his wife, who was to bring in an inventory to the next Salem court.

Mr. John Ruck, Mr. William Browne, sr., Mr. Edmond Batter, Capt. George Corwin, Capt. Walter Price, Mr. Henry Bartholmew, John Procter, Mr. John Gedney and Capt. Paule White had their former licenses renewed for retailing strong waters.

Mr. Jonathan Corwin had license granted him to retail strong-waters.

John Dennis and Abraham Martin, for beating and abusing Lewis Laford, in his master's house, were sentenced to be whipped. John Dennis, paying 4li. in money, was dismissed.

John Sellare dying intestate, Elizabeth, his wife, was appointed administratrix, and was ordered to bring in an inventory to the next Salem court.

Will* and inventory of Bridgett Varney were brought in and allowed.

*Will of Bridget (her mark) Verney† of Glocester, "being by God's providence cast upon my Bed of Sickenesse," dated Nov. 10, 1671, and allowed in court by the witnesses: "I give & bequeath in the first place unto my Sonne Humfrey Verney the Summe of twenty Pounds to be payd by my sonne Jeffrey Parsons of this Towne in foure yeares. five pounds per Annum during the space of foure yeares after my decease. Item I give & bequeath unto my Daughter Rachel Vinson (the wife of William Vinson) twenty Pounds to be payd out of my estate according as hee the sayd william vinson my sonne in Law Can best order it for Her And this to be for my sayd Daughter after my decease Item I give and bequeath unto my sonne Thomas Verney Seaven Sheepe after my decease. And for the rest of my Goodes or estate besides what is above mentioned & bequeathed I leave in the hands of my sonne in Law william vinson as his owne proper Goodes & right to dispose as he shall see meet And to the end this my Last will & Testament may be duely & truely performed in manner & forme abovesayd I doe hereby appoynt constitute & ordayne my sayd Sonne in Law william vinson to be sole Executor." Wit: John Emerson,‡ William Ellery,‡ William (his mark) Vinson and John (his mark) Row.

Inventory of the estate of Bridgett Verney, taken Nov. 21, 1672, by Thomas Millett, sr.,‡ and John Collens, sr.,‡ both of Gloster: Two Cowes and two hefer Calves, 8li.; nine sheepe, 3li. 10s.; Two swine, 16s.; Three Akers of marsh in Chebacco,

† Seal.

‡ Autograph.

Richard Rowland, complaining against Capt. James Smith for abusing him, and the charge not proved, they were all dismissed. Tho. Powell was allowed charges, to be paid by Rowland.

Richard Rowland, for being much in drink, it being the second conviction, was fined.

Jeffery Joanes, presented for being disguised with drink, and it being not proved, was dismissed.

John Trask, for fornication before marriage, was fined or if the fine were not paid before the next Salem court, to be whipped.

A bill of 4s. 12d. for disbursements about repairing the bridge or causeway at Salem was ordered to be paid by the county treasurer.*

Peeter Greenfeild dying intestate, Hanna, his wife, was appointed administratrix, who brought in an inventory amounting to 120li. clear estate. Court ordered that 60li. be paid out of the estate to the three children, to each 20li. at age or marriage, and the remainder of the estate to the widow. The house and land mentioned in the inventory was to be for security of the payment of the children's portions.

John Roads and his wife, for fornication before marriage, were sentenced to be whipped or pay 5li. in money before the next lecture day.

Nathaniell Hun, for striking Mr. Phill. Cromwell, was fined.

Nathaniell Hun and his wife, for fornication before marriage, were sentenced to be whipped on the next lecture day or pay 5li. in money.

Jeremiah Bennett, alias Shelton, and Christian, his wife, for fornication before marriage, were to be whipped on the next lecture day or pay 5li.

4li.; beding, 1li. 5s.; a Paire of sheetts, 15s.; wearing Clothes, 3li. 14s.; Linen Clothes, 2li.; box and two Loks, 6s.; woolle and yearne, 1li.; old timber vesels, 3s.; debts oweing her, 41li. 2s.; total, 66li. 11s.

*Bill of William Flint,† surveyor, for repairing the bridge: disbursements for carts and hands in 1671, 2li.; 4 dayes work with a Cart at 7s. p daye, 1li. 8s.; 12 mens' laboure each man on daye, 2s. p, 1li. 4s.; total, 4li. 12s. To what is further nesssurye to be don by our nearest computation, must be speedly don, 2li. 12s.

† Autograph.

Left. John Osgood was fined for giving some Indians cider at his house.

Robt. Beasly and his wife, for fornication before marriage, were fined or to be whipped the next lecture day.

Court ordered that there be a county rate raised to the value of one-eighth part of a single country rate, to be paid in Indian corn at 3s. per bushel, wheat at 5s., and pease, rye and malt at 4s., and the Treasurer was to issue his warrants to the several towns for levying them.

Will and inventory of John Sothwick, deceased, were brought into court, proved and allowed. Sara, the relict, by mutual consent of all parties concerned, provided she may have two acres of ground adjoining the house, relinquished her interest in the thirds of the land. Also that Sara, youngest child of deceased, who had no portion assigned by the father's will, by mutual consent of all concerned, was to have an equal portion with the rest of the daughters, to be deducted out of all the rest of the children's portions, proportionately.

Court ordered that a warrant be given to the constable of Wenham to sequester Abraham Martin's estate, which accordingly was done.

Zachariah Herrick and William Dodg, jr., were bound for the appearance of William Dodg, alias Coaker, at the next Ipswich court, upon complaint against him for being accessory in the beating and abusing of Lewis Laford in his master's house.

Mr. John Hathorne had his former license renewed until the next Ipswich court.

The servants of Mr. Gardner's house were allowed 8s., of Mr. Gidneyes, 3s., and Mr. Browne's maid, 3s.

Fined by the Worshipful Major William Hathorne, Jan. 6, 1672:

The wife of George Oakes, for absenting herself from the public ordinances, was admonished.

William Jerman, was fined for swearing, and John Norman engaged to pay in merchantable fish, in the spring, delivered in Salem.

James Shaw, for drinking to excess, and for being drunk, was fined, and ordered to pay witness fees to Will. Beale and his wife. Erasmus James was engaged to pay in codfish delivered at Salem.

The town of Marblehead being presented for defect in a highway, it was ordered that thirteen men mend and keep in repair the said way forever, and are exempt from the maintenance of all other highways in Marblehead.

Phillip Fowler, for abusing Ed. Berry, owned the presentment, and was fined.

Fines brought in by the Worshipful Major William Hathorne since 4 mo. 1672:

Tho. Lyon, for stealing.

Tho. Sowden and Robert Codner, for breach of the peace.

Edward Dimon, George Godfery, Griffen Joanes, William Browne, James Meriott, Wm. Delemore, Thomas Owen and George Hardy were fined.

Wm. Prosper, for swearing.

Julian Viber and Moses Pearce, for defect in watching.

Joseph Phippen, for abusing the marshal.

Judeth Putney, for abusing the child of Samll. Williams.

Justen John, for stealing, and Richard Cross, for receiving the stolen goods.

Whereas Richard Adams was formerly to pay two bushels of corn per annum to the use of the company, court now released him from common training, he paying one bushel of Indian corn yearly.

Execution, dated 28 : 10 : 1672, against Richard Rowland to satisfy judgment granted Thomas Powell at Salem court, 26 : 9 : 1672, signed by Hilliard Veren,* cleric, and served by Henry Skerry,* marshal of Salem. Capt. Smith paid for Thomas Powell.

Execution, dated Apr. 8, 1672, against Robert Glanfeild to satisfy judgment granted Daniell Rumboll at Salem court, Nov. 28, 1671, signed by Hilliard Veren,* cleric, and served by Henry Skerry,* marshal of Salem, by attachment of Indian corn.

Execution, dated 6 : 7 : 1672, against John Leach, jr., to satisfy judgment granted Mr. John Emerson at Salem court, 25 : 4 : 1672, signed by Hilliard Veren,* cleric, and served by Henry Skerry,* marshal of Salem, by attachment of two heifers delivered to William Sargon.

Execution, dated 2 : 8 : 1672, against John Godfery to satisfy judgment granted Daniell Clark at Salem court, 25 : 4 : 1672, signed by Hilliard Veren,* for the court, and served by Henry Skerry,* marshal of Salem, by attachment of cotton cloth delivered to Daniell Ela.

* Autograph.

Execution, dated 9 : 5 : 1672, against Joseph Armitage to satisfy judgment granted to Mr. John Ruck at Salem court, 27 : 4 : 1671, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem, who delivered him to Benjamin Felton, keeper of the prison.

Execution, dated 29 : 9 : 1672, against Henry Leonard to satisfy judgment granted to John Safford at Salem court, 26 : 9 : 1672, signed by Hilliard Veren,* for the court, and served by Robert Lord,* marshal of Ipswich, deputy for Henry Skerry,* marshal of Salem.

Execution, dated 26 : 6 : 1672, against Edward Humber to satisfy judgment granted Capt. Georg Corwin at Salem court, 25 : 4 : 1672, signed by Hilliard Veren,* cleric, and served by Henery Skerry,* marshal of Salem.

Execution, dated 16 : 6 : 1672, against William Reeves to satisfy judgment granted John Day at Salem court, 28 : 9 : 1671, signed by Hilliard Veren,* for the court, and served by Henry Skerry,* marshal of Salem, by attachment of boards.

Execution, dated 26 : 5 : 1672, against Anthony Ashby to satisfy judgment granted Mathew Price at Salem court, 26 : 5 : 1672, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem.

Execution, dated May 13, 1672, against John Smith of Charles Towne to satisfy judgment granted Mr. William Browne, sr., at Salem court, 28 : 9 : 1671, signed by Hilliard Veren,* for the court, and served by Henry Skerry,* marshal of Salem, who delivered wheat to William Browne,* according to the latter's order.

Execution, dated Mar. 28, 1672, against Wm. Reeve to satisfy judgment granted Mr. Edmond Batter at Ipswich court, Mar. 26, 1672, signed by Robert Lord,* cleric, and served by Henry Skerry,* marshal of Salem, deputy for Robert Lord,* marshal, by attachment of the new house frame of William Reeves. Edmond Batter* acknowledged, 14 : 9 : 1676, to have received of Robert Stone of Salem six pounds upon account of Wm. Reeves, and thereby released the attachment on the frame of the house. Wit: Hilliard Veren.*

Execution, dated 27 : 9 : 1672, against William Neph alias Hodgneph to satisfy judgment granted Capt. William Gerrish at Salem court, 26 : 7 : 1672, signed by Hilliard Veren,* cleric, and served by Steven Webster,* constable of Haverill, deputy for Henry Skerry,* marshal of Salem, who attached land of said Neff purchased of Danll. Ela, and appraised by Sergt. John Johnson and Corpll. Jno. Haseltine, bounded as follows: at the northeasterly corner by a stake that stands near the highway that leads to Peter Ayers' house, thence along the highway to a black oak marked, thence by the highway that goes through

* Autograph.

Neff's land up square with a red oak marked, standing in the land now laid out and thence to a white oak running to Tho. Davis' land, thence to a walnut tree of said Davis'.

Report of a jury of inquest appointed upon the sudden death of Flouranc Whiteridg, late wife of Thomas Whitridg of Ipswich, on 2 : 6 : 1672, found her "axcesary to hir own death by stifling or Drowning hir selfe in the wattr." Signed by Tho. Fiske,* Robert (his mark) Cobrun, John Whipple,* John Dane,* William Rayner,* Thomas Lovell,* Philemon Dane*, Nathaniel Browne,* Branart (his mark) Thorne, Fenill (his mark) Ross, John (his mark) Ross and Samuell (his mark) Kemball.

Report of a jury of inquest, dated 29 : 4 : 1672, appointed upon the sudden death of John Soolart of Wenham, found him accessory to his own death by drowning himself on 29 : 4 : 1672. Signed by Tho. Fiske,* in the name of the rest, James Moulton, sr., Wm. Geare, Alexander Brauerder, Henery Kemball, Walter Fairefield, Marke Batchelder, James Moulton, jr., Wm. Fiske, Charles Gott, James Bette and Samuell Fiske.

Births, marriages and deaths in Topsfeild in 1672, returned by John Redington,* clerk:

Births, 1672:

Zacheas, s. John and Sarah Gould, Mar. 26, 1671-2.
 Mary, d. William and Elisabeth Perkins, Apr. 4.
 Samuell, s. William and Rebecah Smith, Apr. 6.
 Elizabeth, d. James and Mary Waters, May 23.
 Daved, s. Philip and Hana Welch, Aug. 27.
 Mary, d. John and Hana Pabodye, Apr. 6.
 Elisabeth, d. John and Elisabeth Ramsdell, Oct. 4.
 Thomas, s. William and Mary Howlet, Oct. 26.
 Thomas, s. Michall and Mary Dwenell, Nov. 20.
 Thomas, s. William and Hanah Averell, Dec. 9.
 Jerimiah, s. Mr. Jeremiah and Elisabeth Hubert, Dec. 16.
 Benjamen, s. John and Sara Cumings, Feb. 23.
 Nathaniel, s. Robert and Mary Smith, Sept. 7.
 Ame, d. John and Mary How, Mar. 6.
 Samuell, s. Edmond and Mary Towne, Feb. 11.

Deaths, 1672:

John Davice, Dec. 24.
 William, s. John and Sarah Cumings, Mar. 30.

Marriage, 1672:

Thomas Baker and Mrs. Presela Simonds, Mar. 26, 1671-2.

Rowley births, 1672:

Elizabeth, d. Joseph Horsley, June 18.
 Gershome, s. Thomas Nellson, July 11.

* Autograph.

Elizabeth, d. David Benit's wife, Nov. 10. "but which it be a G or a B you will knowe when y^e Court shall determen."

Isacke, s. Jonathan Plats, Jan. 6.

Bridgit, d. Nathanel Harris, Nov. 24.

Rowley marriages, 1672:

David Benit and Mary, the wife or widow of John Cheeny of Newbury, Apr. 29.

Thomas Leaver, jr., and Dameris, daughter of James Balley, May 8.

Abel Plats and Lidia Balley, May 8.

John Clarke and Mary Poore, Jan. 10.

Rowley deaths, 1672:

John Dreser buried Apr. 29.

Mistris Rainer buried May 7.

Bridgit, wife of John Harris, buried Aug. 4.

An, wife of Marke Pryme, buried Sept. 6.

Mr. Anthony Crosbee buried Jan. 16.

Topsfield births, returned by John Redington,* clerk:

John, s. Philip and Hana Weltch, Nov. 27, 1670.

James, s. John and Sarah Bredges, Jan. 3, 1670.

—, d. John and Dorkes Hovey, Feb. 20, 1670; d. Mar. 2, 1670-1.

Elesabeth, d. Thomas and Martha Andrews, June 16, 1671.

William and Ebenezer, sons John and Sarah Cumings, Aug. 5, 1671.

Susanah, d. Joseph and Phebe Towne, Dec. 24, 1671.

—, s. William and Hana Averell, Jan. 26, 1671.

Elizabeth, d. John and Dorkes Hovey, Jan. 18, 1671.

John, s. John and Phebe French, Aug. 26, 1671.

Mary, d. Isac and Mary Cumings, Feb. 16, 1671.

Mary, d. Samuel and Sarah Howlet, Feb. 17, 1671.

Joseph, s. Joseph and Bethiah Pabodye, Apr. 16, 1671.

Amose, s. Thomas and Judeth Dorman, Mar. 14, 1671-2.

Thomas, s. John and Dorytye Robison, Mar. 18, 1671-2.

Samuell, s. Isaac and Mary Estie, Mar. 25, 1671-2.

Topsfield marriage:

William Howlet and Mary Perkins, Oct. 27, 1671.

Andover births, 1672:

John, s. John and Rebecka Farnum, Apr. 13.

Josua, s. Josua and Elizabeth Woodman, Apr. 2.

Ephraim, s. John and Hanna Stevens, May 1.

Ellener, d. Joseph and Elizabeth Ballerd, Aug. 24.

Christopher, s. Walter and Susanna Wright, Nov. 27.

* Autograph.

Joseph, s. Nathaniell and Elizabeth Griffin, July 4.
 John, s. Samuell and Mary Fry, Sept. 16.
 Sara, d. Henry and Mary Engolls, Sept. 7.
 Margaret, d. Marke and Eliza Graves, Jan. 15.
 Steven, s. Steven and Eliza Johnson, Feb. 4.
 Dorothy, d. Joseph and Mary Marble, June 16.
 Jams, s. Thomas and Mary Johnson, Feb. 4.
 Samuell, s. Samuell and Susanna Preston, Mar. 16.

Andover deaths, 1672:

Mrs. An, wife of Mr. Simon Bradstreet, Sept. 16.
 Dorothy, d. Joseph and Mary Marble, June 30.

Andover marriages, 1672:

Samuell Preston and Susanna Gutterson, May 27.
 Allexander Sessions and Elizabeth Spaford, Apr. 24.
 Nathaniell Deane and Deliverance Heaselton, Dec. 12.
 Mr. Nathaniell Wade and Mrs. Maery Bradstreet, last of
 October.
 Samuell Wardle and Sara Hawks, widow, Jan. 9.

"I haue paid Joseph Marble 8^s 7^d which he say hee haue paid you: but I suppose thear is not so much dew to you: besid this yeare: for there was 4^u 1-4 of hopps: I sent you this Last summer the which I doe question whether you haue it upon accounts: Ed. Fawkner.*

Venire, dated Oct. 25, 1672, for Marblehead grandjury and trial jury men, and also summons to Richard Rouland to appear for being much distempered with drink, with Jams Watts and Jno. Meritt, as witnesses, signed by Hilliard Veren,* for the court, and served by Sam. Morgan,* constable of Marblehead, who returned the name of Mr. Deverix for the jury of trials. The grand juryman was also warned.

Writ: William Browne, sr. v. Mr. Phillip Cromwell; for laying a pretended claim and fencing in a parcel of plaintiff's land, lying at the south end of said Cromwell's land; dated 19 : 9 : 1672; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal of Salem. Bond of Phillip Cromwell.*

Venire, dated Oct. 25, 1672, for Lin grandjury and trial jury men, and also summons to Ezekil Needham for using the trade of a tanner and shoemaker contrary to law, with William Bassitt and Henry Collins, as witnesses, signed by Hilliard Veren,* for the court. No return made.

Writ: Jacob Knight, attorney to William Bartrum v. Samuell Bennit; forfeiture of a bond of arbitration; dated Nov. 9, 1672; signed by John Fuller,* for the court; and served by Jeremiah Belchar,* constable of Rumley Marsh.

Writ: Mr. Phillip Cromwell v. Nathaniel Felton; debt; dated

* Autograph.

18 : 9 : 1672, signed by Hilliard Veren,* for the court, and served by Henry Skerry,* marshal of Salem.

Venire, dated 30 : 8 : 1672, for Wenham grand jury and trial jury men, also summons to James Moulton to appear as a witness in the presentment of Beverly for not providing a schoolmaster, signed by Hilliard Veren,* for the court, and served by John Abec, sr.,* constable of Wenham, who returned the names of William Fiske for the grand jury and John Bathelder, for the jury of trials.

Writ: Henry Bennett v. Benjamyn Morgan; debt; dated Nov. 15, 1672; signed by Robert Lord,* for the court; and served by Phillip Fowler, deputy for Robert Lord,* marshal of Ipswich. Joseph Morgin, brother of Benjamyn, surety.

Writ: Mr. Samuell Shrimpton v. Mr. William Hollingworth; debt; dated 14 : 8 : 1672; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal of Salem, by attachment of the brew house and land of defendant, which he bought of Mr. Curwithy, and the copper and mashfat and a great kettle.

Writ: Mr. William Browne, sr. v. Nicholas Bartlett; debt; dated 19 : 9 : 1672; signed by Hilliard Veren,* for the court, and served by Henry Skerry,* marshal of Salem, by attachment of a chest, table and four joined stools, and left the summons with his wife.

There was sold to Thomas Knoulton, in behalf of his brother William Knowlton, six acres of marsh near his land at 3s. per acre, if it be there to be had. Copy from the town book of Ipswich by Robert Lord, cleric, and another copy made by Hilliard Veren,* cleric.

Thomas and William Knoulton testified that their father told them and showed them that upon the west or northwest of his Island, he owned and had in his possession all the meadow to a creek called Harredines creek, until it went to a great rock below all the Islands to the riverward, and from the northwest side of that rock to the creek before named. Sworn, June 26, 1663, before Samuell Simonds. Copy made by Hilliard Veren,* cleric.

Edmond Marshall testified that he went down with his brother John Marshall and William Whitred to set out the bounds between said John and William. The bound was to run in a line from a tree standing between the land of John Burnum and Richard Brabrooke butting upon a great rock at the lower end of six acres laid out to Robert Beachum, and said Whitred staked the bounds and said his land went no further than Harrendine's creek. Sworn, June 25, 1663, before Daniel Denison. Copy made by Hilliard Veren,* cleric.

Thomas Knoulton testified that this land now in controversy

* Autograph.

COURT HELD AT IPSWICH, MAR. 25, 1673.

Judges: Mr. Bradstreet, Mr. Symonds, Major Denison and Major Hathorne.

Jury of trials: Lt. Appleton, Daniell Warner, Symon Tompson, John Addams, Tho. Burnam, Trist. Coffin, Wm. Chandler, Tho. Hale, Jo. Pearson, Sam. Platts, Ezek. Mighill and John How.

Jonathan Hart, in behalf of himself and sisters, children of John Hart v. John Peach, jr. For possessing, making use of and

was part of the land he bought of the town in behalf of his brother William, and Robert Lord laid it out for him. Sworn, 30 : 7 : 1662, in Ipswich court. Copy taken June 20, 1663, by Robert Lord,* cleric, and another copy made by Hilliard Veren,* cleric.

Shu. Walker* and Daniell (his mark) Gage, deposed that being desired to appraise a mare which there was some ground to suspect had been killed the past winter, declared that she was worth 55s.

Job Tylor's bill of cost allowed J. Hathorne, 10s. 10d.

Mark Graves, aged about forty-nine years, deposed that "Sammuel Wats who hath sayd his nam is Sammuel messer" confessed that he sent a letter to Mr. Saulter, prison keeper at Boston, by deponent's son Abraham, to this purpose, that he should whip the bearer thereof and that it was judged by court and commonwealth that he deserved it.

Elizabeth Graves, aged about thirty years, wife of Mark, and Mary, his daughter, deposed the same. Sworn, 29 : 2 : 1672, before Simon Bradstreet,* assistant.

Abraham Graves, aged about twenty-two years, deposed that the letter requested that Mr. Saulter should whip him with two new withes and send him home for he had not been in his father's house for six weeks. Also that at the close of the letter he called himself "Umphery Piltale." Sworn, 29 : 2 : 1672, before Simon Bradstreet,* assistant.

"this mem^o hath ben demanded at Andever fiue times," by William Pricet, Thomas Hort and Thomas Rooll.

John Norten's bill of cost, 13s. 6d.

"Att A Generall Court held at Boston 15th may 1672. This is to Certify that w^m Ellery & Thomas Pymey of Glocester were then Admitted to y^e freedome of this Collony as Attest Edward Rawson,* Secretary."

Bond of Richard Shatswell,* dated Apr. 25, 1672, for the prosecution of an action against Kaleb Kemball.

* Autograph.

withholding a dwelling house. Verdict for plaintiff, a legal possession.*

*Writ: Jonathan Hart of Salem, in behalf of himself, and his sisters Elizabeth, Sara, Deborah and Florence, the only children and heirs of John Hart and Florence, his wife, formerly of Marblehead, deceased v. John Peach, jr.; for possessing and withholding a dwelling house and land of his said father's, the land containing about six acres, being about one acre of upland and salt marsh which is about the house and five acres near Devorixes point; dated Mar. 18, 1672-3; signed by Hilliard Veren,† for the court; and served by Henry Skerry,† marshal of Salem. Bond of John Peach, jr.,† John (his mark) Peach, sr., and John Legg.†

Jonathan Harte's bill of cost, 2li. 11s. 2d.

Copy of record of the Salem court, 26 : 4 : 1656, concerning the settlement of John Hart's estate, and copy of the inventory.

Deed, dated Mar. 8, 1661-2, George Corwin‡ of Salem, merchant, having full right and interest in the estate of John Hart, some time of Marblehead, seaman, by order of the County court, to John Peach, jr., of Marblehead, fisherman, for 33li., one dwelling house with a house lot belonging, containing half an acre, with one acre of salt marsh adjoining, lying in the little harbor, with five acres of upland near Devereuxes point, also liberty of one cow's lease and a half in the common, formerly in possession of John Hart, in Marblehead. Wit: Edw. Norice† and William (his mark) Bartoll.

Letter of attorney, dated Mar. 1, 1672-3, given by Edward Flint,‡ Jeremiah Neall,‡ Joseph (his mark) Mordin§ and John Trask‡ to their loving brother-in-law Jonathan Hart of Salem. Wit: Matthew Woodwell† and John Swinnerton.†

John Cooke deposed that he was at Marblehead on Feb. 20 last and went with Jonathan Hart of Salem to the house where John Peach, jr., lived, who said that he got the house from Capt. Corwin, who secured it by execution, and that Goodman Charlse gave him possession. Jonathan Hart said "Goodman peach you know this house & Land was my Fathers he said I know it was, y^e s^d Jonathan Hart said Goodman peach I command you to go out of doors & giue me posestion. He answered he would not win it & wear it." Sworn, 19 : 1 : 1672-3, before Wm. Hathorne,† assistant.

William Buckly, aged about fifty-six years, deposed the same. Sworn, 19 : 1 : 1672-3, before Wm. Hathorne,† assistant.

Robert Knight, aged fifty-eight years, deposed that the land and house in controversy with the five acres toward the ferry adjoining the land of Wm. Charlse, deceased, belonged to John

† Autograph.

‡ Autograph and seal.

§ Seal.

Stephen Hasscott v. Henry Lenard. Debt. Withdrawn.

Ambrose Mackfashion, partner with John Ramsdell, and by his order or attorney v. Henry Lennard. Debt. Verdict for plaintiff. Mr. Lenard desiring the court to consider the equity of his case, after the verdict of the jury against him, which the court heard, and they judged that the defendant had been very much damnified in respect of the measure of the loads of coals which by agreement should have been twelve quarters per load whereas it appeared by testimony that the coal cart would not hold above sixty-eight bushels. Court abated 20li. Defendant appealed to the next Court of Assistants, and was bound, with Ensigne Thomas Chandler and Anthony Carrell as sureties.*

Hart, etc. Sworn, 19 : 1 : 1672-3, before Wm. Hathorne,† assistant.

Moses Mavericke, aged sixty-two years, deposed that he was one of the appraisers of the estate of John Hart, etc. Sworn, 19 : 1 : 1672-3, before Wm. Hathorne,† assistant.

* Writ, dated 11 : 1 : 1672, signed by John Redington,† for the court, and served by John How,† deputy marshal of Ipswich, by attachment of the coals that lie by the coalhouse at the works at Rowly Village.

Henry Leonard's bill of cost, 3li. 16s. 10d.

James Car deposed that on Mar. 22, Mr. Leonard desired him to go and see the coal cart measured and "it held 68 bushells one heapt & y^e other stroock & the cart was full up to the top further I being Employed by Ens. John Gould to Cart the Coles from Ambros Mackfation & John Ramsdell to y^e Iron worcks in Rowley villiag Mr. Leonard did speack to me to bid y^e said mackfation & John Ramsdell send in better loads & less brands or els knock ofe & Cole noe more sometimes the Cart was filled strick full & some times more & som times less then strick full & to y^e best of my Judgment I receiued the best loads when Robart Bates filed y^e Cart & when ther was not coles enuf to fill the cart at one pit Ambros would not fill it full becaus of the shacking of the cart in remoueing to another & when I saw y^t he did not fill the Cart I would bid him mend his hand he would say the cart was full enough & when he would put in noe more then I would driue away y^e Cart & seuerall times when y^e cart hath come to y^e works the cart hath been litell more then halfe full." Sworn in court.

Ambros Mackfation, Dr., by Mackam Macallam, 15li. 14s. 6 1-2d.; by Robart Bates, 6li. 12s.; 1 C. bar Iron to Daniell Black, 1li. 4s.; 14 C. of bar Iron, 16li. 18s. 3d.; by John Bridges,

† Autograph.

1li. 5s.; by severall things he had himself & for other people, 10li. 7s. 2 1-2d.; total, 62li. 1s.

Jno. Ramsdell, Dr., by Jno. Comins, 1 C. 2 qr. bar Iron, 1li. 16s.; 10 C. 3 qr. bar Iron, 12li. 18s.; by 1 C. 2 qr. 2li. bar Iron dd. Abraham Redington, 1li. 16s. 6d.; 2 qr. bar iron, 14s.; by severall partickulers, 8li. 18s. 1d.; total, 26li. 2s. 7d.

James Hanscombe's* receipt, dated 11 : 9 : 1672, to Jno. Ramsdell and Ambros Mackfation, for 478 loads of coals at 6s. per load.

William Doule, aged about thirty-two years, deposed that he heard Mr. Henry Lenard say about the time Mackfaston and Ramsdell were finishing the work in "colling the said Lenords wood: that the aforesaid colyers had coled all the wood that he the said Lenard had delivered them in this yer, it being some time in the eaight month 1672." Sworn in court.

Agreement, dated May 17, 1672, between Henery (his mark) Lenard and Ambros Mackfation and John Ramsdell "to Cole all the old wood & the new y^t shall be cut & tacken in this yeare for & in consideration of the some of six shillings p^r load to be paid unto the said mackfation & Ramsdell by m^r Lenard and the said Ambros Mackfation & John Ramsdell doth ingaig them selue to mack good firme & substanchall Coles & to deliuer unto the said M^r Lenard at the pits good loads containing euery Load twelue quarters theire at the pits & their pay to be made in goods or bar Iron which they haue most need of & five pounds of the pay to be paid in barr Iron at money pric that is to say eighteen shillings p^r hundered & further the said m^r Lenard doth promise unto the said Mackfation & Ramsdell to provide for them such goods or Iron as they shall stand in need of to pay workmen to carrion the worck & for what shall be required when the coles are all sent in the said Mackfation & Ramsdell within three weecks after the last load of Coles is at the Cole house & the last of y^e wood to be deliuered unto y^e said mackfation & Ramsdell some time in June next insuing." Wit: Anthoney (his mark) Carrell and James Hanscombe.*

William Doule, aged about thirty-two years, and John Everet, aged about twenty-six years, deposed that Mr. Henery Lenard was living at the Iron works in Rowly Villag and had ten cords of wood that lay in such a place that it could not be coaled, but he said he was to cart it to some more convenient place. He disappointed the wheeler by not carting it and had it carried home to burn. Sworn in court.

Robert Baites deposed that Mr. Leonard said it was a pretty honest load when said Ambross filled the cart, etc. Sworn in court.

John Putnam aged forty-four years, deposed. Sworn in court.

Samuell Lenord and Nathanill Lenord deposed. Sworn in court.

* Autograph.

Wm. Cogswell v. Samuell Morgan. Verdict for plaintiff.*

Wm. Hollingworth, attorney to Richard Parker of London v. John Chickly of Boston. Forfeiture of a bond. There being no power in the letter of attorney to make another attorney, and said Hollingworth not being present, the case was nonsuited.

Robert Lord and James Hanscombe deposed that Henry Leonard asked them to go into the woods where Ramsdell had coaled the year before, and they found a great many brands at several pits, and at every pit some wood left. Also they saw several rancks of wood left standing that were not coaled and one piece of coals left, in all about a load of them. There may be half a cord of wood left at a pit and one whole pit left standing in the woods not set nor coaled. They judged there might be in all between thirty and forty cords. Sworn in court. Copy made by Robert Lord.†

Robart Bats deposed that he worked on the carts seven weeks, etc. Sworn in court.

John Gould deposed that he was present when Mr. Leonard's clerk, James Hanscom, reckoned with Mackfashion, and there was due to the latter about 43li. Sworn in court.

Thomas Wenmar testified. Sworn in court.

Edmond Bridges deposed that Mackfation sold him a small part of a pit that he had coaled, about a load or two, for two quarts of cider. Sworn in court.

Edmond Bridges, jr., and John Gould deposed that Leonard said they had coaled all his wood except some that stood in water and some that was in rocks whence it could not be wheeled. Sworn in court.

Samuell and Nathaniell Leonard deposed. Sworn in court.

John How deposed. Sworn in court.

James Hanscombe deposed that Leonard complained that the loads were small, etc. Sworn in court.

John Everard deposed that Leonard said to bring in better loads with fewer brands. Sworn in court.

* James White, aged thirty years, testified that he was at work for Mr. Cogswell sawing timber for staves and Samll. Morgan came to look at a parcel of staves that Cogswell had promised him. Morgan said that they were very good staves and if the rest were like those, he would take them without culling them. As they came homeward Cogswell showed him other staves and heading which Morgan liked better than those he had at first seen, about 7,000 in all. The price was 40s. per thousand then and several years before at Chebacco river. Sworn, Mar. 25, 1673, in Ipswich court.

† Autograph.

Anthony Carrell v. Thomas Baker. Review. Verdict for defendant.*

*Writ: Anthony Carrill v. Thomas Baker; review of a case tried at Ipswich court, concerning the title of land which Baker pretended he bought of Carrill, on the south side of Ipswich river; dated 20 : 1 : 1672-3; signed by John Redington,† for the court; and served by John Hovey,† constable of Topsfield.

Copy of the papers in a similar action in Sept., 1669, taken from Ipswich court records by Robert Lord,† cleric.

Copy of deed, dated Jan. 26, 1663, from Anthony (his mark) Carroll of Topsfield, tailor, to Thomas Baker of Topsfield, hus bandman, all right in the common belonging to the land which I bought of Zacheous Gould in Topsfield, on the south side of Ipswich river. Wit: John Perly and John Gould. Recorded Sept. 8, 1669, by Robert Lord,† recorder.

Copy of the record of a town meeting, 14 : 10 : 1661, made 24 : 7 : 1669, by John Redington,† clerk: "The names of the Commoners y^t shall share in it," Mr. Endecoate, Mr. Bradstreet, Mr. Perkins, Zacheas Gould, Mr. Baker, Thomas Dorman, Frances Pebodie, Wille Evens, Daniell Clarke, Isack Cumings, sr., Isack Cumings, jr., Ensigne Howlet, William Smith, Frances Bates, John Wiles, John Redington, Tho. Perkins, Jacob Towne, Isack Estye, William Towne, Edmond Towne, Matthew Standly, Tho. Browning, Anthony Carell, John How, Edmond Bredges, Wille Nichols, Uselton's lot, Lumpkins farm, and Robert Andrews land.

"It is also ordered that all the Commonares in the towne shale haue a share In the Comon on the other side of the Riuer with the timber which is to be deuided acording to the Rule as is here expresed namli all those which pay to the ministers Rate made in the yeare 1664 fifte shilings and upward shal haue on of the grater shars and all under fiftie shilings to twenti shall haue a midel share and all under twenti shilings on of the least shares Voted." Copy made from the town records of Topsfield, Mar. 20, 1672-3, by Frances Pabody.†

Wm. Averill, collector of rates, certified, Sept. 20, 1669, that on Nov. 12, 1664, Anthony Carrall was rated 11s. 1 1-2d. for the minister's rate. Copy made, Mar. 26, 1673, by Robert Lord,† cleric.

Copy of deed, dated May 21, 1663, Anthony (his mark) Carrell of Topsfeld and wife Katerane, in consideration of ten acres in Ipswich lying near the river commonly called Egept river, with house and barn, to Luke Waklinge of Topsfeld, 20 acres in Topsfild, bounded on the southwest upon land of Francis Battes, northwest upon a swamp, northeast upon Topsfeld com-

† Autograph.

mon, southeast by a highway, reserving that part of common belonging to this land. "but before the sineng and sealle it was parsaiued that that was halfe the madow whish was bought of goodman Gould ometed the saied Antony saling it with the other land to luke wakling." Wit: Philip Nellson and Robert (his mark) Smeth. Copy made by John How.*

John Gould deposed that he was one of the men appointed to lay out the land on the south side of Ipswich river, and they laid out to every man as was ordered in the town book according to the house lots and the grant of the town in 1661. They did not know of any land that was granted to John Juet by Topsfeild. Lt. Pebody testified to the same. Sworn in court.

Sarah Gould testified that Antony Carrell was at their house discoursing about the land and said that he would never hinder Thomas Baker from his share for he paid dear enough for it. Sworn in court.

John How testified that Goodman Comins desired that there might be a share laid out to his son John Juet's lot, and it was denied him. Sworn in court.

William Smith deposed that Anthony Carrell told him that he had sold all his right to Thomas Baker for 30s. and that the lot layers might do what they would, he had nothing to do with that, and he advised deponent to sell his share, for, he said, deponent had better get a little than nothing, for he was confident that it would never be divided. Sworn in court.

John Baker, jr., deposed that he heard his brother Thomas demand the lot and Carrell refused to deliver it. Sworn in court.

Abraham Redington, aged fifty-eight years, deposed that at a lawful town meeting at Topsfield, there being some agitation about common land, they agreed to establish the common land upon the present inhabitants and thereupon recorded it. No man objected to it but Goodman Dorman, who said "shal that poore man goodman Carreell Com to you Cape in hand for coman, And theer was none granted to that land." Sworn in court.

John Cummings, aged forty years, deposed. Sworn in court.

Daniell Blacke deposed that being an inhabitant of Topsfeild in the year 1661, etc. Sworn in court.

John Willled testified that he was one of those appointed to lay out the land and they laid out a share for Antony Carrell by virtue of living in the house that he had sold to Luke Wakle, which he bought of old Goodman Gould, etc. Sworn in court.

Isaacke Cumings, aged seventy-two years, deposed. Sworn in court.

John How testified that the land that Lucke Waklen now lives upon is the land, etc. Sworn in court.

Evan Morris deposed that there was no house upon that land

* Autograph.

Robert Lord, by order of the selectmen of Ipswich, in behalf of the town v. Thomas Wood. Trespass. Nonsuited.

John Godfry v. Abraham Whitaker. Debt. Verdict for plaintiff.

Thomas Bishop v. Francis Wainwright and Samuella Younglove, administrators of the estate of Cornelius Kent. Verdict for plaintiff. The administrators were discharged.*

which Anthony Carrill bought of Zecheos Gold, when said Carrill bought the lot where Luk Waklin lives.

John How deposed that the lots given on the south side of the river were denied to some who had not improved their lands at that time. Sworn in court.

*Thomas Bishop v. Francis Wainwright and Samuella Younglove, sr., joint administrators of the estate of Cornelius Kent; for refusing or not paying the remainder of a debt due for rent of a farm, which was to be paid by Feb. 1, 1671; dated Mar. 20, 1672-3; signed by Robert Lord,† for the court; and served by Theophilus Wilson,† constable of Ipswich.

Nathanell Rust† of Ipswich, certified, Mar. 21, 1672-3, that he was satisfied by Samuella Younglove for the debt Cornelius Kent owed him.

James Ford deposed that there were but three yearlings appraised in the inventory and there were four carried away by Jacob Perkins, which he supposed was by his father's order. Also that Cornelius Kent carried away 130 rails from the farm and 20 five-hole posts contrary to agreement with Thomas Bishop. Sworn in court.

Thomas Knoulton testified that before Cornelius Kent was buried, he told Younglove that he owed Kent for a bushel and a half of Indian corn, which said Younglove desired him to discount with him for so much as the latter owed deponent. Afterwards Mr. Wainwright demanded the same debt. Sworn in court.

James Ford deposed that he was at Goodman Younglove's house the day Kent died, and said that he supposed Kent owed the greatest debt to Thomas Bishop, etc. Sworn in court.

John Pinder, aged about forty-two years, deposed that he heard Thomas Bishop ask Samuella Younglove, sr. why he did not put his debt that Cornelius Kent owed him into the inventory, and he answered because he thought said Bishop would put it in, etc. Sworn in court.

Edward Neland deposed that he told Younglove that Kent owed Bishop seven or eight pounds for the rent of the farm. This was before the inventory was proved. Sworn in court.

† Autograph.

Receipts of Henery Archer,* John Brewer,* Thomas Knoulton,* John (his mark) Choate, Samll. (his mark) Pod, James (his mark) Sawyer, Wm. (his mark) Damford, Darkis (her mark) Pettis, Killicress (his mark) Ross, William Goodhue,* Elesebeth Solart,* Tho. Clarke, sr.,* William Hayward,* Elizabeth (her mark) Newman, Jno. (his mark) Ring, John Dane* and William (his mark) Benit, for debts due from the estate.

Agreement, dated Mar. 13, 1670-1, between Cornelius (his mark) Kent and Thomas Bishop, the latter, with consent of his mother, let said Kent the farm where he now lives from Apr. 16, 1671 to Apr. 16, 1672, rent of 23li. 10s. to be paid at the now dwelling house of Margaret Bishop in Ipswich, in wheat, barley, Indian corn, pork, butter and cheese. Wit: Tho. Andrews* and Killecrist (his mark) Rosse. It was further agreed that Kent was to have four oxen, to be returned in good condition, but if he lent them, abused them for want of fodder or in any other way, he was to make them good. Also that he was not to carry away any of the hay nor sell it to any other. Thomas Bishop's* receipt for 16li. 11s. 6d. of the amount due.

William Durgye testified that the administrators carried away four yearlings when there were but three in the inventory and an ax was not included in the inventory. Sworn in court.

Cornelius Kent, Dr., to Samuel Younglove, sr., £12; Decon Goodhue, £3. 10s.; Goody Solart, £1. 6s. 4d.; Dorracas Pettis, £2. 15s.; Deacon Knowlton, £1. 12s. 10s.; Goodman Archer, £1. 5s. 4d.; Goodman Rawse, 15s.; Goodman Danford, 15s.; Goodman Podd, £1. 15s.; Mr. Newman, £1. 10s.; Goodman Ring, 6s.; Goodman Choate, 15s.; Goodman Rust, 3s.; Goodman Howard, 8s.; Goodman Bennet, 6s.; Goodman Dane, 9s.; Goodman Sayer, 10s.; Fran. Wainwright, £8. 13s. 10d.; Mr. Wilson, 13s. 9d.; Seargt. Clark, 8s.; John Brewer, 5s.; Richard Swan, £1; administration charges, £1; to Nathaniel Brown and Wm. Durgy, for appraisement, 8s.; balance remaining, Mar. 26, 1673, £1. 15s. 9d.; total, £45. 15s. 10d.

Creditor, by the inventory, 4 Swine, £4; 3 yearlings, £3, 19s.; 3 Cows, £13; 1 heifer, £2. 10s.; 1 Iron harrow, 14s.; 3 Tubbs & a churn, 12s. 6d.; 1 chair, 2s. & 1 trammell, 5s. 6d.; 1 messing Tubb, 8s.; 1 bedstead, 14s.; Linen & a green Apron, £1; 1 Jacket, wascoat & pair of Breeches, £2. 12s.; 1 par. bandileers, 2s. 6d.; clothes of his wife's & Drawers, £1; 1 rugg & blankett, 30s., & bed & sheet, 10s.; 2 chaires, 4s. 6d.; 1 chest & box, 8s. 6d., 1 pott, 11s.; 1 shirt, 8s.; 1 how, 8s.; 1 pair breeches, 5s.; 1 old Jackett, 3s.; 3 barrells, 6s.; 1 Shirt & neckcloth, £1; 1 yard of cotton cloth, 2s.; 1 woollen wheel, 4s.; 1 little table, 4s.; Shore-born Wilson Indebted, £1. 10s.; 1 musket, £1. 4s.; 1 horse, £5.; total, £44, 9s. 6d. For one yearling more then was in inventory, 1li. 6s. 4d.

* Autograph.

Thomas Knowlton v. John West. Verdict for plaintiff.*

Samuell Bishop and Margaret Bishop, executors of the estate of Thomas Bishop v. John Tod. Verdict for defendant.†

Mr. Francis Wainwright v. John Griffing. Debt. Withdrawn.‡

Mr. Francis Wainwright v. Wm. Nellson. Debt. Verdict for plaintiff. Damages in wheat, barley and pork.

Mr. Francis Wainwright, assignee of Tho. Harris, executor of the estate of Margret Lake v. Joseph Leigh. Debt. Defend-

Copy of the inventory of Cornelious Kent made by Robert Lord,§ cleric.

*Writ: Thomas Knolton v. John West; for the said West at Salem court in June, 1669, obtaining judgment against said Knolton and levying an execution, notwithstanding that said Knolton was ready to pay the said West according to covenant long before the suit began, etc.; dated Mar. 18, 1672; signed by Daniel Denison,§ for the court; and served by Henry Skerry,§ marshal of Salem. Bond of John (his mark) West.

Thomas Wells deposed that he hired William and Samuell Knoulton to saw several hundred oak planks. The stuff was provided for them, and when they entered upon the work they spoiled much and acknowledged that they could not do the work. Sworn in court.

† Writ: Margret Bishop, executrix of her late husband Thomas Bishop's estate and Samuell Bishop v. John Tod; for not paying his part of 130li. as appeared by bond wherein said Thomas Bishop and John Tod were engaged jointly and severally to Mr. Edward Rawson; dated Mar. 20, 1672; signed by Robert Lord,§ for the court; and served by John Johnson,§ constable of Rowley, by attachment of cattle and land in the northeast field.

Bond, dated Sept. 27, 1670, Thomas Bishop|| and Jno. Tod|| to Edward Rawson, attorney to Mr. Jno. Knoules of London, minister of the Gospel, from the beginning of 1668, by bill of exchange from Rich. Saltonstall, Esq., in merchantable fish, for 130 pounds in money; the conditions were that they pay said Rawson in Boston the 130li. either in Muscavadoes sugar or in New England silver. Wit: Moses Noyes§ and Abraham Busby.§ Edward Rawson's§ receipt, Apr. 15, 1671, to Mr. John Hubbard in behalf of Mr. Wm. Hubbard, his father, for 50li. in silver in part payment, also another in June for 80li.

‡ Letter of attorney, dated Mar. 24, 1672-3, from John Griffing|| of Bradford to his uncle — Clark of Haverhill. Wit: Andrew Grele§ and Robert Clement.§ Acknowledged, Mar. 21, 1672-3, before Nath. Saltonstall,§ commissioner.

§ Autograph.

|| Autograph and seal.

ant acknowledged judgment to Mr. Wainwright, to be paid in malt, pork and Indian corn.

Richard Rowland v. Thomas Powell. Defamation. Withdrawn.

John Morrill v. Peeter Rogers. Debt. Verdict for plaintiff.

John Wild acknowledged judgment to Mr. Francis Wainwright, to be paid in wheat, barley, pork or bar iron at 20s. per hundred.

John Ayres of Haverill acknowledged judgment to Mr. Francis Wainwright.

Edward Clarke of Haverill, attorney to John Griffing, acknowledged judgment to Mr. Francis Wainwright.

John Kelum acknowledged judgment to Mr. Edmond Batter.

Thomas Hobbs acknowledged judgment to Mr. Symon Bradstreet, to be paid in his house and land.

Sarah Warr declared that she had put her son Josiah to Ens. John Gould until he came to the age of twenty-one, and the court approved of it.

Ezekiell Woodward was licensed to keep ordinary at Wenham for a year, also to draw liquors for a year.

Thomas Judkins had his license renewed for a year, also his license to draw liquors for a year.

Mr. Peeter Duncan was licensed to keep ordinary in Gloster for a year, also his license to still and draw liquors was renewed, provided he let not any townsmen drink liquors in his house.

Hugh Marsh had his license renewed for a year, also his license to draw liquors.

Evan Morice was released from training, paying 3s. yearly to the use of the company, if the company of Topsfield required it.

John Newmarsh was released from training, paying 6s. a year.

John Newman was released from training, paying 5s. a year.

Thomas Knowlton, for taking a sack of meal out of the mill, was sentenced to pay treble damages.*

*Samuel Hunt and Elizabeth, his wife, testified that they went down one night to Nathanil Browne's house, passing by Goodman Younglove's orchard until they came to the corner where they turned off to the house. They were thinking of nobody much less Thomas Knoulton, but turning by the corner post of the house, there stood a person leaning against the house

The town of Topsfield was fined for not providing a stock of powder and bullets, and was ordered to provide it within a month upon penalty of 5li.

Symon and Sam, Indians, for stealing an Englishman's horse and riding much to the damage of the owner, were to be whipped and pay 5li. to Samuëll Gyls.

Robert Crose, presented from Salem, for excessive drinking and breach of the peace, was fined.

Susan Jordon dying intestate, court granted administration upon the estate to Abell Merrill, her youngest son.

Wm. Geare dying intestate, administration of the estate was granted to Triphany Geare, relict, and the ordering of the estate is recorded with the inventory.

Mr. Antipas Newman of Wenham dying intestate, administration upon his estate was granted to Mrs. Elizabeth Newman, relict.

Mr. Baker had his license renewed for a year and also his license for liquors.

close to the windows. They saw it was Thomas Knowlton, and deponent asked him if the man was at prayers and his wife asked if he was in bed. Knowlton answered no and went away. Then they went in and there was Shore Willson and Joseph Lee in the house but Goodman Willson presently went out. Sworn in court.

Freegrace Norton testified that the mill was broken open and a bag of Deacon Goodhue's with about a bushel and a half of meal was taken out of the mill. The bag was found in Thomas Knowlton's hand about five weeks later. Deponent did not know of any corn said Knowlton ground, but since that time upon information of Edward Chapman, who ground in deponent's place when he was absent, and nobody else ground for him, said Knowlton had had about half a bushel per week ground. Sworn in court.

Samuëll Hires, sr. and Samuëll Hires, jr., deposed that Samuel Younglove, jr., came to their house about ten days ago and spoke about the difference between himself and Knowlton. Goodman Hires said that he had examined the boy Joseph and he stood to maintain the words with which Knowlton had charged said Younglove, namely, the devil, imp, hell hound and a limb of the devil. Younglove said, "what if I did say soe, the words were common words and frequent words and any Body might say so."

Edward Hassen had his license renewed for a year, also his license to draw liquors.

John Stone of Beverly was licensed to keep ordinary for a year, also to sell liquors.

Francis Wainwright had his license renewed for a year.

Samuell Bishop had his license renewed for a year.

John Acie and Jonathan Platts surrendered a deed to Mrs. Prudence Crosbie, which deed Mr. Anthony Crosbie made to them, dated Feb. 14. 1665 and recorded Oct. 6, 1666.

John Thomas, for attempting the chastity of Elizabeth Bassett and running away from his master, Mr. Daniell Epps, was fined and was to be imprisoned until the fine be paid. He engaged to serve his master Epps a year and a half after his time is out, whereby his master paid the fine to free him from prison.

Ens. John Gould had his license renewed for a year.

Wm. Dodge, for abuse in John Soolart's house concerning Lewis Lapford, was ordered to be whipped or pay 4li. in money.

The constable of Wenham made return of the goods of Abraham Martin that he had seized, and court ordered the treasurer to take 10li.

There being a verbal will presented to this court of Thomas Whitridge, deceased, court granted administration of the estate to Samuell Morgan and Richard Norman.

Ruth White, relict of Thomas White of Wenham, having administration granted her at Salem court, Ens. Tho. Fiske and Walter Fairefield were appointed to examine the debts, and such as were clear to be allowed, and such as were doubtful to present to the court at Salem. No debts were to be paid until the whole estate was proportioned.

Francis Plumer dying intestate, administration upon the estate was granted to his son Samuell, who gave bond for 500li., with Wm. Sawyer as surety.

Mrs. Prudence Crosbie, administratrix of the estate of her late husband Mr. Anthony Crosbie, brought in an inventory amounting to 380li. clear estate. There being three children left, court ordered the estate as follows: to the widow, 180li., to the eldest son, 100li., and to the other two children 50li. each, the children's portions to be paid out of the land at the age of twenty-one years.

Administration having been formerly granted of the estate

of Benjamin Gage to Prudence, relict of said Gage, she brought in an inventory amounting to 170li. clear estate, and there being one child left, court ordered as follows: to the widow 90li. and to the child 80li., 60li. of it to be paid out of the land at the age of twenty-one years, as it was valued in the inventory. In case the widow married, she was to give security for the payment of the other 20li., she to have the use of the estate until he become of age.

There being a fine of 5li. set by this court upon the town of Topsfield for not providing a stock of powder and ammunition, court ordered that said town pay 50s. to Ens. Jo. Gould for his loss by the escape of a prisoner that broke prison at Salem.

John Clarke complained against John Chubb for abusing his servant, striking him on the Lord's day in the meeting house.

Frances Thurlay, presented for striking his brother Thomas Thurlay and flinging stones at him, one of which hit him, was fined.

Peeter Leycros, Jonas Gregry and Symon Wood, for stealing and receiving five gallons of wine from Mr. Hubberd, were ordered to pay 5li.*

*Examination of Peter Le Cras taken Jan. 10, 1772, before Daniel Denison†: that last Monday night he carried a gallon bottle of wine, which he drew in his mistress' cellar, to the house of Jonas Gregory, that the bottle was Gregory's, and the wine was drunk by the company, Gregory, Nath. Emerson, Arthur Abbot and a negro; that he sold to Simon Wood one gallon of wine which he took out of his mistress' cellar, also three gallons more which was drunk by said Wood, who was there three times, also Nath. Emerson three and Rich. Pasmore once; that he did not tell Gregory where he got the wine; that Simon Wood promised him a bushel of pease or malt for the gallon of wine he had and that he knew where he took the wine and advised him to get it and carry it to Gregory's because it was a private house that he also carried a gallon bottle with about a pottle of wine in it to Sarah Roes, in all about five and a half gallons, within a month; also within a month he took an ax from Goodman Woodward's yard which he sold to Wood for 4s., which is not paid, and which Wood sold to Gregory for a bushel of pease or malt; also about two months ago he had a glass bottle full of wine out of his master's cellar which he put in his chest where

† Autograph.

Peeter Leyeros and Symon Wood, for stealing one gallon of wine from Mr. Wm. Hubbard, were ordered to pay him 20s.*

Peeter Leyeros, for stealing three quarts, was fined.*

it was found; also he confessed that about a week ago he took a sheep of his mistress' and sold it to Joseph Leigh; also that said Gregory asked him to get a quart of wine to go with him to Quartermaster Perkins' Island.

Richard Pasmore deposed that Peter said he could get wine when he would. Sworn, Jan. 10, 1672, before Daniel Denison.†

Examination of Simon Wood, taken Jan. 10, 1672, before Daniel Denison†: that Peter brought the first wine in a stone bottle and denied that he encouraged him to steal.

Simon Tompson bound for Simon Wood, and Mr. Willm. Hubberd for Peter le Cras, and they were committed to prison.

Examination of Jonas Gregory, taken Jan. 10, 1672, before Daniel Denison†: that he thought Crass and Wood had bought the wine at Mr. Baker's because Peter had money given him by gentlemen who came to his mistress; that he gave some wine to some maids who came over the river in the evening to his house, and also gave Thomas Burnum who was there at work a cup of wine; that Wood told him he found the ax in the way.

Thomas Burnam, jr., and Thomas Wayte jr., testified that a little before Thanksgiving they saw Peter Cras and Simon Wood catching a sheep in Mr. Hubbert's lot and Thomas Knolton saw him with a sheep on the backside of Goodman Hovey's house. Sworn before Daniel Denison.†

Nathaniel Emerson, Richard Pasmore and Thomas Atwood were ordered by Daniel Denison, Jan. 10, 1672, to appear at the next Ipswich court concerning drinking wine at Gregory's.

Thomas Knolten deposed that being at Jonas Gregory's, he went up into his chamber with him and saw three or four sheep skins. Deponent asked if he killed them and he said yes, the Lord gave him good things and gave him a heart to make good use of them. Deponent took one of them in his hand and there were flakes of fat upon it as broad as his hand, and when he told Gregory that it was badly flayed, he said he believed it was the fattest wether that was killed in town and said it had a dozen pounds of tallow. Sworn in court.

Nathaniell Browne and Judeth, his wife, were at Gregory's house one night when Gregory spoke about his wife's spinning and knitting some stockings for him and asked them to go up into the chamber with him to look at some wool, etc. Sworn in court.

Joseph Leigh† testified concerning the sheep. Sworn in court.

* See foot-note on page 141, marked *

† Autograph.

Peeter Leyeros and Jonas Gregory, for stealing a sheep sold to Joseph Leigh, were to pay Mr. Hubberd 20s.*

Peete Leyeros, Symon Wood and Jonas Gregory, for stealing and receiving an ax, were fined, and the ax was to be returned.*

Jonas Gregory, for stealing a fat wether from Mr. Hubberd, was fined.*

Jonas Gregory, for entertaining other men's servants and children, was fined 5li.*

Peeter Leyeros, Jonas Gregory and Symon Wood, for theft, were sentenced to be whipped or pay fines.*

Nathaniell Emerson, for being in company with Peeter Cros and others at Jonas Gregoryes and drinking part of stolen wine, was admonished.*

Richard Pasmore, for a like offence, was punished.*

John Leigh, complained of for unlawful familiarity with Sarah Row, was sentenced for his great offence to be severely whipped, to pay a fine of 5li., to be bound to good behavior, and not to come in company with Sarah Row.†

†Judith, wife of Nath. Browne, testified that many times the past summer Joseph Leigh and Sarah Roe had been together at her house three or four hours at a time, until her husband noticing their intimacy warned them from the house. They would have the outer door shut and the latch pulled in and sometimes would withdraw into an inner room. Once deponent asked Sarah to stay to look after the children until she returned and she said she would not unless John Leigh would. They had witnessed much improper conduct between them. Once James Fuller came into the house when she was sitting in his lap and their discourse was nasty and filthy. Sworn, Feb. 3, 1672, before Daniel Denison.‡

Mary Wilson, aged about twenty-two years, deposed that she had occasion to call at Sarah Roes' house, and seeing somebody in bed, asked if her husband were at home and she said that he was at sea. Deponent went away with Grace Hogskins and another, etc. Sworn before Daniel Denison.‡

Grace Hogskins, aged about twenty years, deposed that Leigh had left his team at Sarah's house from morning till noon until she told him folks wondered why he did it. Sworn before Daniel Denison.‡

Hannah Berry testified that she had seen Betty Woodward in the house with them. Sworn, Feb. 2, 1672, before Daniel Denison.‡

* See foot-note on page 141, marked *

‡ Autograph.

John Kenricke and James Chute testified that one night coming out of Goodman Piper's with Goodwife Berry, they saw Sarah meet Leigh and following them to Sarah's house where there was no light, heard them talking together. Sarah and John were also at John Frinck's house when Nath. Roper was there and they went away together between nine and ten o'clock at night, etc. She told them at Goodman Piper's that she could not tarry for Sarah Buckley and her sister Esther had come to see her. Sworn, Feb. 2, 1672, before Daniel Denison.*

James Chute testified that Sarah and John were at Frinck's house, when some one said that Wm. Roe was coming and was at the neck. Soon after somebody knocked at the door, and John Leigh ran up into the chamber. It was Goodman Kenricke. Soon after Sarah lighted a pipe of tobacco and went up to Leigh, etc. Sworn, Feb. 3, 1672, before Daniel Denison.*

Mary Frinck deposed that James Chute and she went out to the neighbors, she going to Goodwife Tayler's, and returning home together found John and Sarah in the house, etc. Sworn before Daniel Denison.*

James Sawyer and his wife deposed. Sworn, Feb. 3, 1672, before Daniel Denison.*

Nathaniel Roper deposed that when Sarah Roe lived at Buckle-yes house, etc. Sworn before Daniel Denison.*

Thomas Newmarsh deposed that he, John Sinnett and Josiah Clerk went one evening to Sarah Roe's house, where they found Mary Score persuading Sarah to lie with her that night because she could not stay with Mary Frincke on account of illness of Goodwife Piper, so Mary went away. Upon entering the house, Sarah went into another room upon pretence of getting oil for the lamp and they heard her whispering with someone. Later when they went out, they saw a man at the end of the house, and then they went into Goodman Berryes, which was the next house. While they were there, Sarah Roe came in, took up a coal and carried it away with her. The next day, said Sinnet meeting her, bade her leave her tricks or she would come to the gallows. Sworn Feb. 12, 1672, before Daniel Denison.*

Sarah Roe's defence: that she was guilty of wanton and idle dalliance to her shame and sorrow; that she never heard of such words as they attributed to her; that she had but one witness whereas in some cases three are necessary to prove one guilty, referring to Deut. 19 : 15, etc.

Nathaniell Rust, aged thirty-three years, deposed that he had heard Sarah and John often speaking of their love for one another, since said Sarah married. Sworn in court.

Judeth Browne deposed. Sworn in court.

Sarah Bulkly, aged between sixteen and seventeen years, deposed that she never knew Sarah until she married W. Roe;

* Autograph.

that Roe and his wife did not agree; that Leigh came to see her at Rust's house often and once when Rust and his wife went out to Joseph Giddings' wife when the latter was sick; that she saw no uncivil carriages, etc. Sworn, Jan. 31, 1672, before Samuel Symonds.*

James Burnum, aged twenty years, deposed concerning their meeting in Leigh's meadow after Sarah had been gathering gooseberries, etc. Sworn in court.

Sameul Hunt deposed concerning Sarah's unhappiness after she had married Roe. Sworn in court.

Jno. Leigh's answer to a complaint made against him by Will. Row, for unlawful familiarity with his wife: that the woman was a near neighbor to him for many years while she lived at Mr. Hubberd's and he knew her well and "it may be as some have supposed had some thoughts of matching with her, but providence ordering things otherwise;" that he had exceeded the bounds of prudence and when there were reports abroad, he tried to avoid her, and when he did meet her accidentally there were those who would say that it was planned; that Roe and his wife were not happy on account of the differences in disposition and their manner of coming together, brought about through the incessant persuasions of her friends, directly contrary to her own inclinations; that he had tried to reconcile them and Will. Row often invited him to his house, but the stories spread and Row resolved to quit the place and finally to desert her; that the stories circulated have been such as far better men than he would find it hard to controvert, being imaginary and circumstantial; that he never violated her chastity, etc.

Jacob Benitt, aged about twenty-one years, deposed that at Goodman Woodward's house, Sarah, who lived there, talked with Leigh an hour, then came in to the fireroom and lighted a pipe which she said was a friend's pipe which she would not take 5s. for. Deponent mistrusting that Leigh was in the leanto pulled down an ovenlid where there had been an oven and looked into the room where he heard talking. Also at another time, at night she asked deponent to go out with her but he would not. Her husband went a little while before her over to Goodman Rust's because all the time he was at home that night Sarah was "a Jeering & Laughing at him and makeing games at him, and about 1 or 2 of the clocke she Came home & I asked wher she had bene a goshiping this time of night and she said she had been abroad among her fellow seruants, at her Masters Hubberts." Sworn, Jan. 25, 1672, before Daniel Denison.*

Robert Duch, sr., deposed concerning what his daughter Mary Corse, now deceased, told him that Mary Willson saw in Rowe's house, etc. Sworn, Feb. 26, 1672, before Daniel Denison.*

Mr. William Hubberd deposed that having known Sarah Roe

* Autograph.

from childhood, he knew more about her than many others, and affirmed that neither he nor his wife approved of her marriage, foreseeing what has come to pass, and for the first three or four months she carried herself very well, until she returned from the Isles of Shoals, where her husband by his jealousy provoked her and she manifested much adversion toward him. He further declared that her trouble proceeded wholly from her husband and not through John Leigh, etc. Edward Nealand mentioned.

Nath. Browne and wife Judith deposed. Sworn in court.

Joseph Jacob, aged about seventeen years, servant to Nath. Rust, deposed that one day when his master and dame were abroad, Sarah Roe was at their house, and later he heard a noise in a little dark chamber. Going to see who was there, he met their maid, Sarah Buckley, who told him not to go up for 100li., etc. Sworn, Jan. 25, 1672, before Daniel Denison.*

Thomas Knolton and Hannah, his wife, deposed that about Jan. 14, last, Sarah and John were at their house, when the latter offered Sarah an apple and lent her his knife, saying "Goe feed your husband daintily with that knife." She answered, "take the knife & cut his throat oh sd John you make my heart Tremble to say soe, Then Sarah Roe Replyed againe and sd shee hated Will Like a Toade," etc. Sworn, Feb. 7, 1672, before Daniel Denison.*

John Chub, aged twenty years, deposed that last fall as he was going by Ezekiel Woodward's house by the river side at about ten o'clock at night, etc. Also another night about eleven o'clock deponent "was speaking with Sarah Buckle in her m^r Russ his cowyard, Thomas Brag staying for me not far of, the s^d sarah Roe passed by us toward the end of the Lane and Sarah Buckley followed her and as Thomas Brag told this deponent he heard the sayd Roe say to Sarah Buckley why doe you not send that fellow away or || I wish you could || send that fellow away meaning my selfe & s^d the other was better. they soon returned and sarah Buckley went to milking and Sarah Row turned the end of the barne, & imediately I looked after her and could not see her so I concluded she went into the barne at the Leanto dore, I went presently downe towards Goodman Russe's house & looking backe I saw a man standing wthin the Leanto dore which I did judg to be John Leigh." Sworn, Feb. 3, 1672, before Daniel Denison.*

John Benett deposed concerning meeting with Tho. Mentor who told about Leigh and Sarah being together the Monday before said Sarah's child died. Sworn, Jan. 25, 1672, before Daniel Denison.*

James Fuller deposed concerning seeing them at Hartbrak hill, etc. Sworn, Feb. 25, 1672, before Daniel Denison.*

* Autograph.

Sarah Row, for unlawful familiarity with John Leigh, and abusing her husband, was sentenced to the house of correction for one month, and to suffer the discipline thereof according to law, which the keeper is required to execute, and on the next lecture day to stand all the time of the meeting from the last bell ringing in the meeting house at Ipswich, on a high place where the master of the house of correction shall appoint, in open view of the congregation with a fair white paper written in fair capital letters FOR MY BAUDISH CARRIAGE, open also to the view of the congregation. She should also give bond of 30li. not to abide in the company of John Leigh.

John Hobbs, for profane swearing and threatening to kill, for railing and shamefully abusing Sarah Whipple, and for not prosecuting his appeal at the last Ipswich court, was bound to good behavior, especially to Richard Kent and Sarah Whipple, and not to come in her company.

Upon Edward Clarke's petition about an execution levied for Deacon Pengry on the estate of Richard Mearcer, by advice of court both parties agreed that new execution be levied upon said estate according to law, sometime in May or June next.

Upon action commenced by Thomas Bishop v. administrators of the estate of Cornelius Kent, the estate falling short and the administrators having paid most of the estate away, court forgives the entry of the action, and the fine against said Kent was respite.

The Treasurer, Mr. Robert Paine, tendered his account to the court.

Court adjourned to Wednesday fortnight at 9 of the clock.

COURT HELD AT SALISBURY, APR. 8, 1673.

Major William Hawthorne, assistant, president; Major Pike, Capt. Nath. Saltonstall and Mr. Samll. Dalton, associates.

Jury of trials: Henry Palmer, foreman, William Osgood, Andrew Grele, Will. Browne, Richard Hubbard, Samll. Colby, George Carr, jr., Tho. Stevens, Henry Moulton, John Smith, Nath. Weare and Morris Hobbs.

Grand jury: Lt. Benjamin Sweat, foreman, John Dickison, sr., John Stevens, sr., Henry Brown, Peter Eyer, John Jonson, Lt. Phillip Challis, Richard Currier, Robert Page, Tho. Steeper, Christopher Palmer and Robert Smart.

James Chase v. Jno. Samborne and Henry Green. Appeal from a judgment against him by Mr. Samll. Dalton at Hampton Mar. 10, 1672-3. There being a legal exception against two of the jurymen, the case was committed to the other ten with the consent of both parties. Special verdict. If the witnesses testifying upon probable circumstances be sufficient to cast a case, then they found for the defendant and confirmed the former judgment; if not, they found for plaintiff. Court confirmed the former judgment.

Henry Green, assignee of Harlackinden Symonds v. Capt. Walter Barefoot. Review of a case tried last Hampton court, concerning debt to be paid in boards. Verdict for plaintiff.

Georg Martyn, in the right of his wife, and Mary Jones, widow v. Nat. Winsly. For withholding the inheritance of housing lands and other estate, sometime Richard North's, deceased, father of said Mary Jones and her sister Martyn, the only surviving children of said North, under color of a feigned or confused writing like the handwriting of Mr. Tho. Bradbury and seemingly attested by him, and Mary Winsly, now wife of the said Nathll. Winsly, from which writing the pretended interest of said Winsly, as under Ursula North is derived, and withholden. Nonsuited.

George Martyn v. Nathll. Winsley, Abraham Drake and John Souter. For restraining him under arrest in Hampton prison for costs of court, contrary to law. Verdict for defendants.

John Tuck, son and heir of Edward Tuck of Hampton, deceased, which Edward was son of Robert Tuck of Hampton v. Jno. Samborne, administrator of said Robert's estate. For not performing the engagement of said Robert, which he made to Mary Philbrick, daughter of Thomas Philbrick of Hampton, deceased, which was that he would confirm upon said Edward Tuck, his son, father of the present plaintiff, one-half of his lands in Hampton, as an encouragement for said Mary, mother of plaintiff, to marry said Edward, which she did. Plaintiff now sues for the performance of the covenant of his grandfather, Robert Tucke, made before his father's marriage, by which neglect plaintiff and his mother are much damnified. Verdict for plaintiff. Appealed to the next Court of Assistants.

Jno. Eaton v. Mr. Wm. Hooke. For not paying him in cows and English goods or money according to agreement dated Apr. 7, 1671. Verdict for defendant. Appealed to the next Court of Assistants. John Eaton of Salisbury and Henry Robie of Hampton bound for appearance.

John Samborn of Hampton and Henry Green of Hampton were bound for the former's appearance in the action, John Tuck v. John Samborn.

Samll. Fowler v. Phillip Grele. Trespass. For cutting down timber upon a lot of upland formerly belonging to the common right of Lewis Hewlett, claiming the right, which land plaintiff bought of Richard Currier, as by deed appears. Verdict for plaintiff.

Robert Ring v. William Buswell. For false swearing in a case between said Ring and Steven Greenleafe and Nathll. Clarke concerning the bounds of Ring's and Samll. Worcester's meadow at the Points in Salisbury bounds, which meadow said Worcester sold to Mr. Sewall. Verdict for defendant.

Major Robert Pike v. Edward Gove. Trespass. For cutting wood and timber upon his land and carrying it away, declaring that he did it as challenging the land to be his. The land lay within the limits of Salisbury adjoining to or near Hampton bounds, it being part of the land called Hall's farm, the second lot as it was laid out by those who were appointed by the proprietors of said farm. Nonsuited, for not giving legal notice to defendant.

Jno. Eaton v. Mr. Wm. Hooke. Review of a case tried at the last Hampton court, 8 : 8 : 1672. For not satisfying him for goods delivered to plaintiff and his children. Verdict for defendant.

Nathll. Boulter v. Capt. Tho. Bradbury, Jonathan Thing and Henry Moulton. For seizing upon and carrying away cattle of plaintiff's, by illegal execution granted against said Boulter as attorney to Miriam King upon an unjust and unreasonable bill of costs. Verdict for defendant.

Nathll. Boulter v. Jonathan Thing and Henry Moulton, executors of the will of Tho. King of Exeter. For 8li. 15s. which said King received of John Severans for the use of said Boulter, of which Boulter never yet had an account nor satisfaction which

was about eight years since. Verdict for plaintiff. Appealed to the next Court of Assistants. Jonathan Thing and Jno. Samborn bound.

Nathl. Boulter, assignee of Miriam King v. Jonathan Thing and Henry Moulton, executors of the will of Tho. King of Exeter, deceased. For refusing to pay what is due plaintiff by assignment for the first payment of the second year, 20 bushels of Indian corn, eight bushels of wheat, etc. Verdict for defendant.

John Colby v. Henry Palmer and Andrew Grele. For not satisfying him in an agreement. Verdict for plaintiff.

Jarett Haddon v. Richard Bartlett, sr. For non-payment of the fourth payment of a bond of 45li. Withdrawn.

John Samborne and Henry Green, in behalf of the town of Hampton v. John Huggin. Trespass. For felling the town's timber and fencing in land, claiming it as his own, which land lay about the old saw mill, westward from the town, near Tayler's river. Verdict for plaintiff.*

Henry Roby and Nathl. Boulter v. Ralfe Hall. Debt. For 6,000 boards, which should have been paid about Michaelmas last. Verdict for plaintiff.

Henry Roby and Christopher Palmer, the assignees of Abraham Drake, marshal v. Edward Colcord. For not making good a parcel of fresh meadow of four acres, lying near the beach in Hampton, according to a deed or mortgage made to said Drake, or now to said Robie or Palmer, assignees, and by endeavoring to deprive them of said meadow by a later deed to Evens, whereby they have been put to much trouble by defending it and damage recovered against them at the last Hampton court. Verdict for defendant.

Henry Roby v. Capt. Barefoot. Review of a case tried at the last Hampton court concerning a debt of 9li. which said Roby engaged for Barefoot at the last Court of Assistants for the proceeding of an action of Barefoot's against Robert Marshall, said Roby being Barefoot's attorney, an execution being levied upon Roby, who was imprisoned. Verdict for plaintiff.

*Copy of writ, dated 28 : 1 : 1673, signed by Samll. Dalton for the court, and served by Allexander Denham, deputy for Abraham Drake, marshal of Norfolk, by attachment of house and land of defendant. Copy made by Tho. Bradbury,† rec.

†Autograph.

Daniell Ela v. William Neff. Debt. According to bill dated Mar. 3, 1668-9. Verdict for plaintiff. Upon motion of Daniell Ela, the bond was moderated.

George Corlis v. Richard Dole and Thomas Davis, administrators of the estate of Joseph Davis. Debt. For a year's service of Jno. Corlis, son of said George, with said Joseph before his death. Verdict for plaintiff.

Mr. Wm. Hooke v. Jno. Eaton, sr. Debt. For goods and cattle delivered to him and his son. Withdrawn.

Phillip Grele v. Mr. William Symonds. Debt. Due Sept. 6, 1671, to be paid in boards at Mr. Symonds' mill at Lampereele river the latter end of June last. Withdrawn.

Richard Hubbard v. Mr. Wm. Symonds. For not satisfying him with 10,400 feet of merchantable boards to be delivered at Lamperelle river as by covenant dated June 19, 1672. Verdict for plaintiff. Appealed to the next Court of Assistants. Mr. Wm. Symonds of Ipswich and Jonathan Thing of Exeter bound.

Thomas Davis v. Robert Swan. For laying claim to a parcel of meadow of defendant's in Haverhill, between the west bridge and a place where a saw mill stood formerly, near to James Pecker's house. Verdict for plaintiff.

Edward Colcord v. Christopher Palmer. For cheating him in selling him a parcel of land in the year 1660, for the payment of which the plaintiff gave said Palmer security by three parcels of land, of which he had absolutely endeavored to cheat the plaintiff, and is in no capacity to make it good. His title of 45 acres of land to the plaintiff has been put to excessive charges to maintain his interest in the three parcels of land and cannot enjoy it. Nonsuited.

Edward Colcord v. Henry Roby and Jno. Stanian. For unjustly vexing him by an illegal execution procured by said Stanian and said Roby, his attorney, at Hampton court, Oct., 1667, positively contrary to the laws established. Nonsuited.

Edward Gove, presented by the grand jury at Salisbury court, 1672, for abusing Nathll. Weare of Hampton and breaking the law by calling him thief and pulling him down twice, also for shooting and killing a hawk on the Lord's day, desired to be tried by a jury. Verdict of guilty brought in, and fines imposed. He was also fined for reproachful speeches and assaulting carriages

toward Nathll. Weare. Appealed to the next Court of Assistants. Robert Downer of Salisbury and Bartholemew Heath of Haverhill bound.

The order about Jno. Young's maintaining Judeth Robie's child was confirmed and continued until this court take further order.

Nathll. Weare was appointed to answer in the behalf of the country to Edward Gove's account about the traverse of his presentments by a jury at Salisbury court in 1672, at the next Court of Assistants.

Administration upon the estate of Jno. Dowe of Haverhill was granted to Mary Dowe, his widow.

Administration upon the estate of Thomas Lilforth of Haverhill was granted to his wife Elizabeth Lilforth.

Daniell Ela and Hugh Marsh of Nubery were bound for said Ela in the action brought against him by Benjamin Bongraine.

Christian Dollhoff, Charles Gleeden, Arthur Bennet, James Godfrey, Richard Morgan, William Tayler and Robert Powell were admonished for not frequenting the public worship of God on the Lord's days.

Administration of the estate of Giles Fuller of Hampton was granted to Thomas Warde of Hampton and Richard Currier of Amsberie.

Henry Brown was sworn constable of Salisbury for the ensuing year.

Nathan Gould of Emsberie was freed from all trainings, allowing 5s. per annum to the company, to be paid in corn.

William Barnes was sworn constable of Emsbery for the ensuing year.

John Severans was licensed to keep the ordinary for Salisbury for the ensuing year.

Henry Robie's license to keep the ordinary for Hampton was renewed.

Joseph Chase and Rachell Chase, his now wife, presented for fornication, confessed and were sentenced to be severely whipped tomorrow morning or pay a fine of 6li.

Humphrey Willson was ordered to appear within ten days before Mr. Samll. Dalton, at his house in Hampton, to take the constable's oath for Exiter for the ensuing year.

Thomas Davis was ordered to give a bill of sale of the acre of land and commonage which he sold to John Kinsbery, to the administratrix of the estate of said Kinsbery.

Joseph Peasly and Ruth, his wife, presented for fornication, confessed, and were sentenced to be whipped tomorrow morning or pay a fine of 6li.

Administration of the estate of Phebe Eaton, widow of John Eaton, was granted to Steven Dowe of Haverhill.

Court ordered that all persons who have given or sold land to John Kinsberie in his life time should give a deed to the administratrix of the estate, she to have the improvement of the estate for her own and children's maintenance, the land to be security. Court ordered 20li. to the son, 10li. to the daughter, at age, or to their guardian according to law.

Capt. Nathl. Saltonstall was appointed administrator of the estate of Matthias Button, pro tempore, and until he delivers his account and desires his discharge, and was also to bring in an inventory to the next Hampton court.

Court declared that the widow Button, having land made over to her as a dowry from Matthias Button, had no right to her proportion of the estate, which otherwise by law she might have, she also in court refusing to relinquish her said jointure or dowry.

Steven Hussey, not appearing to answer his presentment, was ordered to pay costs.

Edward Clark of Haverhill acknowledged judgment to Capt. Tho. Bradbury in Indian corn at eight groats per bushel.

Mr. An. Wiggin acknowledged judgment to Mr. Hen. Dearing in square edge deal inch boards fit for transportation, at some convenient landing or rafting place at Exiter upon Pascataqua river.

Christopher Palmer acknowledged judgment to Mr. Henry Dearing, partly in staves and partly in pine inch boards at price current.

Court adjourned to the last Tuesday in April, 1673.

COURT HELD AT IPSWICH, APR. 16, 1673, BY ADJOURNMENT.

Proclamation being made for any one to come in to object to Andrew Peeters why he should not be released of his bond, not to come into the Quartermaster's house, and none appearing, he was released of his bond.

Ens. Thomas Chandler, upon presentment, was ordered to pay costs in corn.

Mr. John Bradstreet denying his presentment and the witnesses not speaking positively, but to their apprehension, and giving no reason for their apprehension, court judged it not proved and he was discharged.

Goodwife Leeds, presented for not living with her husband, her husband not having sent for her, was discharged of her presentment, and court ordered that she repair to her husband when he sends for her and means to convey her to him.

Mary Greely, presented for fornication, was to be whipped and pay costs. Upon petition of her master Nathaniell Wells, her corporal punishment was turned into a fine.

David Bennett's wife, presented for fornication, was fined.

Capt. Paul White was fined upon his presentment.*

*Petition of Hugh March:† "By your honnours faver and incourgement: I drew off from my former meanes of subsistanc: and with great Expende and difficulty tooek upon mee the burden of the ordenary in newbery for the accomadasion of strangers: and others as occasion doth Require: and for wich I pay a great Rent to the Country in a just expecttacion to Reape the benifit with the burden thear of: but so it is that Captane white under Couler of providing the sacrament wine doth frequently retaille wine unto the inhabytanes and others and licers: to the damage and disingableing of your supplycant and his famyly: by meanes heare of some Ill affected: and adickt persons goe from one house ore ordinary as hee calls it to another wich excessife drincking and sometimes drunkennes doth and may fouldowe and fall out unnwitingly to my reproach | My most humble requist therfor is that I may haue the hoole benifit of the ordinary, as it was graunted and for wich I all so pay unto the country: ore that such as retaille wine and licers: ore other-wisee: then by lawe is permitted to a stiller of strong waters may doe it under me wheareby I may bee inabled to cary one the ocations of those my affaires and bee able to pay my yearly rent to the country treasury. . . . Bee sids what I haue formerly paid the Charg and expence that I haue put my self in providing to build a house fiting to Entertaine gentlemen and strangers as ocatzon doth serue."

Daniel Ela deposed that he had seen strangers going from Boston eastward call at Capt. White's for wine and receive it, and the same coming back again have come to Goodman March's house for provision for them and their horses. He had also

† Autograph.

Hanah Hutceson, not appearing to answer her presentment, was ordered to appear at September court next.

Mary Greely being with child and charging one Richard, an Irishman, to be the father of it, and he gone away, leaving some goods, court ordered that the goods be seized and taken into possession of Nath. Wells, her master.

Joseph Leigh, presented for several oaths, was fined, and Tho. Knowlton was to pay costs.*

seen men drink liquor at Capt. White's and then go to March's to drink, who have been in danger of being overtaken with drink, said Marsh not knowing they had drunk so much before. He had bought liquors by the gill there and others did on the first Monday in the last March. Sworn, Apr. 9, 1673, before Wm. Hathorne,† assistant.

Edward Broumage, aged about fifty years, deposed concerning buying liquors at White's. Sworn, Apr. 8, 1673, at Salisbury court.

Jacob Tappan, aged about twenty-six years, deposed that he bought wine at White's and supposed he had a license. Sworn, Apr. 8, 1673, at Salisbury court.

John Colby, aged about thirty-seven years, deposed that liquors were also drunk in White's shop. Sworn, Apr. 8, 1673, at Salisbury court.

Jacob Toppan,† certified, Apr. 12, 1673, that whereas by overmuch importunity of Hugh March, he gave in evidence at Salisbury court against Capt. Paul White, that he had wine of him, he declared that it was of necessity to carry to his house, and was sorry that he should do so by the Captain for his good will to him. Wit: Wm. Chandler.†

*Samuel Hunt and Elizebath, his wife, and Elizabeth Redington deposed that Tho. Knowlton came to their house and told them that the Wednesday before the court, he went to Joseph Lee's to get his horse to go to Salem. Lee said he was glad he had come, for he saved him the trouble of going to him. So Lee brought pen, ink and paper and said "I pray the do me that fauer as to wright me that testemoni conserning goodwife Hunt and Betty woodard. whots that said Knowlton: wi said lee that you hard goodwife Hunt say that Betty woodard wos wth child or elc she neuer wos: wi said knowlton if I shold wright that: I must wright that w^{ch} I neuer harde for I neuer hard the woman speack such a word: Joseph still p^r swad him: he asked him what he wold haue him do, he cold say no such thing: sum being p^rsent perswaded him, tould him he could remember it if he list, som said joseph let him alone he will remember it and call it to mind time enough against salem corte." Sworn in court.

† Autograph.

Samuell Hunt, sr., deposed that there was a report in the town that Tho. Knoulton had forged a bill in the name of James Sawyer to merchant Wainright for 8li. of sugar, and also a report that Mr. Will. Hubbard had been at said Wainright's to find the bill out. Deponent's neighbor Bornham told him about it in Knowlton's shop. It was also talked about at a meeting or company tonight at the great house, Mr. Hubbard's. Sworn in court.

Elizabeth Hunt, aged thirty years and upward, deposed that the next day after Goodman Eaires made search for John Lee, Tho. Waight came to our house to bring home the saddle. Deponent asked him what he had done with the Lee's horses, and he said "oh, John may go whither he would now for theare horses are safe enough now, theare under lock and kee:" Then Waight told them that Joseph was desperate mad the last night and swore a great many times by his salvation, as he hoped to be saved, as he was a living man, by Jesus Christ and by his soul, and that by his soul was a common expression with him. Elizabeth Redington and Samuel Hunt, jr., testified to the same. Sworn in court.

Samuel Hunt, jr., aged fifteen years, deposed. Sworn in court.

Samuel Hunt, sr., testified that when Goodwife Lee was ill, he stood near her at the foreside of the house while Joseph Lee spoke the words; then deponent went out to the threshold of the house. Joseph Lee then said "gentellmen I do woonder whot reason you have to bring so mani men into the house," etc. He particularized Knowlton and Hunt who said they had as much right there as any, and said that it was an ugly, base spirit to put them out. Deponent told him that he would not go out for him but Goodman Haires bade him be silent and at length he prayed him to go out which he did. This occurred after Lee had spoken so "unaduisedily wth his tongue: in such solam protestations." Sworn in court.

Samuel Eirs deposed that he was made deputy constable to search for John Leigh at Joseph Leigh's house, etc.

Thomas Knolton, jr., Daniell Roafe and Joseph Fowler testified that when Marshal Lord and the constable's deputy, Goodman Eirs, went to Joseph Leigh's house to search for John Leigh about twenty people went to the house and filled the house so that one could hardly stir, which disturbed Joseph Leigh so that he desired all who had no business there to depart. In particular he asked if Samll. Hunt were called there by authority, upon which his father Goodman Hunt replied with "great heat of spirit y^t he should be there for all him & said y^t he had as much to doe in the house as he & Came up to him with his Fist bent & Grinning his Teeth, & called Joseph Leigh logerhead, Roge and Rascall with divers other Aprobious names And sd if the Constable would Giue him his staffe, he would draw him Limb

John Roberds, for striking his father-in-law, Tho. Perrin, was sentenced to be whipped or pay a fine, and bound to good behavior, with John Clarke and Philip Fowler as sureties.*

Josiah Clarke was to pay for the child of Sarah Warr's keeping, from the birth to the time he presented Henry Greene to take him and then to be free.

Samuell Plumer, administrator of the estate of Frances Plumer, his father, brought in an inventory to the court amounting to about 412li. Court ordered that the debts both to the widow and other men be first paid, and then the estate was to be divided, half to Samuell, the eldest son, and the other half to the other son and daughter. By agreement, Daniell Pearce, sr., Rich. Dole and John Knight, sr., were to divide the estate as equally as they could, the eldest son to have his choice of which half he would have.

from Limb, but he would Cary him up to the majors upon which y^e Constable Charged Gn Hunt to forbear & Goe out of the house, but y^e s^d Hunt still persisting, he spoke to him Againe. . . upon Comotion old Gw Leigh fell into a swoane w^{ch} wⁿ Joseph saw, he was in A great passion, & s^d upon his salvation or as he hoped to be saved, & upon his Fidelity he had rather his house had beene Burnt & all y^t he had in it, then see his mother in such A condition & did very much wonder at the unchristian & unciuill carriage of some person there," etc. Thomas Waite also testified to the same.

Samuell Hunt, jr., and sr., deposed. Sworn in court.

*Obadyah Wood, aged about twenty years, deposed that he saw John Roberts strike Thomas Perring and get him down in the chimney corner, and said Perring called to John Wood to take him off and Wood bade him be quiet, and Roberts let him alone. Sworn in court.

James Fuller deposed that being in the street with his father Perrin, they met John Roberts, and Perrin asked him why he made such a stir in the street. Roberts replied that he would come and bring away what he had in spite of his teeth, and Perrin told him to be quiet or he might be complained of to the court. Also Roberts called Perrin base, cheating knave. Thomas Perrin testified to the same. Sworn in court.

Thomas Perring testified that if he had not called to his man, John Wood, John Roberts would have done him harm. Sworn in court.

John Wood, aged about twenty-two years, deposed. Sworn in court.

Upon presentment of James King, which Nubury grandjury-men undertook to make good, they are to do it at the next September court or else pay costs.

Complaint was made by Nath. Wells against Richard, an Irishman, who wrought with John Ring, for suspicion of fornication with Mary Greely, the said Well's servant, the said Richard running away.

If Joseph Leigh shall bring under the hand of the witnesses in Wm. Row's case within one week that they are satisfied for their attendance, so much to be abated out of the bill of costs.

Mrs. Elizabeth Newman, administratrix, presenting an inventory of the estate of Mr. Antipas Newman, her late husband, amounting to 676li., clear estate, besides the land and estate about New London, court ordered that the widow, releasing her thirds, should have for her part one-third part of the whole estate, and should enjoy the remainder of the estate for the education of her children. At age or marriage of the children, John Newman, the eldest son was to have 140li., Samuell, 70li., Waitstill, 70li., and to the two daughters Elizabeth and Sibell, 70li. The land and chattels at New London or elsewhere shall be divided after the same manner, Mrs. Newman, the widow, to have one third for her part, the other two thirds to be divided, the eldest son to have a double portion and the other four children to have their equal shares.

Inventory of the estate of Mr. Antipas Newman of Wenham, who deceased Oct. 15, 1672, taken Mar. 22, 1672-3, by Thomas Lawthorp, Daniell Epps, Tho. Fiske and Richard Kimball: the homestead, farm formerly Wm. Fiske's, farm bought of Osbon, land at Royall side, domestic animals, cider mill, two gold rings, total, 785li. 2s. 6d.; debts, 109li. 10s. 6d. [Original on file in the Registry of Probate.]

Inventory of the estate of Wm. Geare of Wenham, who deceased Nov. 13, 1672, amounting to 86li., taken 10 : 1 : 1673, by Tho. Fiske and Richard (his mark) Hutton, and allowed Mar. 25, 1673, upon oath of Triphany Geare, the widow. There being two daughters left, the estate was ordered to remain in the widow's hands and if she married, she was to give her daughters 20li. each, and if she died a widow, the estate was to be equally divided between them. [Original on file in the Registry of Probate.]

Inventory of the estate of Edmond James, who deceased Jan. 8, 1672, amounting to 24li. 8s. Debts due from Thomas Kimball, Goodman Somerby, John Mighill, Rich. Dole, Goodman Palmer, Daniell Thurston, Doct. Benett and Philip Fowler, total, 9li. 17s. 6d. This inventory was delivered by Thomas Kimball, one of the administrators, John Pickard, the other, dissenting, and so the estate remains in the widow's hands. [Original on file in the Registry of Probate.]

Wm. Reiner dying intestate, administration upon the estate was granted to Elizabeth, the widow, and the estate was to remain in her hand, she to pay to her eldest son Thomas Reiner, 10s., and to the other children 5s. each, at age.

Inventory of the estate of Wm. Reiner, who deceased Oct. 26, 1672, was taken by Thomas Fiske and Richard Hutten, amounting to 97li. 10s.; debts, 49li. 12s. 1d. [Original on file in the Registry of Probate.]

Inventory of the estate of Francis Plummer, who deceased Jan. 17, 1672, taken Jan. 24, 1672 by Richard Knight, John Emry, sr., Thomas Hale, jr. and Anthony Somerby: house and barn, lands, domestic animals, wearing apparel, timber of a house fallen down, a shop with weaver's implements, tools, household furnishings and utensils, a Welch bell, etc., also debts due from Joseph Plummer and Wm. Sawyer, total, 422li. 5s. 6d. The house contained a chamber, parlor, another room, hall chamber, little chamber, dairy house and cellar. Allowed upon oath of Samuell Plumer, Mar. 25, 1673, in Ipswich court. [Original on file in the Registry of Probate.]

Agreement, dated Nov. 25, 1670, between Francis Plummer of Newbury and Beatrice, his wife, confirming the contract made before marriage that if Plummer should die before the said Beatrice, the latter was to have all the estate that was properly hers before marriage, and also to have the new room, half the orchard, half the apples, and her thirds of the land of said Francis during

Bond of arbitration, dated Jan. 29, 1673, between Robert (his mark) Dutch* and John Clark,† both of Ipswich, concerning building and other things, that the matter be left to Ensigne Gold, Marshal Lord and Jon. How, by whose award they agreed to abide. Wit: Ezekiel Rogers‡ and John Dutch.‡ Owned, 30 : 1 : 1673, at Ipswich court.

* Seal.

† Autograph and seal.

‡ Autograph.

her life, also firewood out of said Francis Plummer's twenty acres near the little river and the garden as it is now enclosed. If said Beatrice deceased before him, that she should have power to dispose of what estate was hers before marriage to any of her relatives, and if anybody claimed any debts due from William Cantlebury, deceased, said Beatrice's estate was to pay such debts and not the estate of said Plummer, her now husband. Wit: Richard Dole and Anthony Somerby.

Inventory of the estate of Mr. Anthony Crosbie, deceased, appraised Feb. 19, 1672, by Richard Swan, Abraham Jewett, Samuell Brocklebank, Ezekiel Northend, Jonathan Platts and John Acie, and allowed upon oath of Prudence, the widow, Mar. 25, 1673, in Ipswich court: In the phisike chamber, hatts, bookes, bedding, Instruments & other Iron things, a pair of pistols, curtains for a bed and a fish net, household utensils, 2 horses, etc., house, land near Richard Swan's meadow near the pond, land within the field gate a little off Thomas Remington's, land between Remington's and Tho. Levers', upland at the north end of Shatswell's, land about Stony brook, etc., total, 380li. 3s. 3d. [Original on file in the Registry of Probate.]

Will of John Davis, dated May 16, 1672, proved Mar. 25, 1673, in Ipswich court, upon oath of the witnesses, Evan Morris and Francis Pabody, the latter afterward renouncing his executorship: to Mary How of Salem, 5li.; to Jacob Townes' lame child, 5li.; Samuell Howlett, 4li.; to his dame Clarke, 10li.; Luke Wakling, 20s.; Martha Clarke, his master's daughter, 20s.; to his master's daughter, Wm. Perkins' wife, 5li.; to John Robinson's wife, 20s.; executors, his master Daniell Clarke and Frances Pabody. He owed Mr. Batter of Salem, Mr. Newman of Wenham, Goodwife Mole, old Mr. Gardner of Salem, Daniell Borman, old Mr. Baker of Ipswich, Quartermaster Perkins, and for rates to the town. Debts due him from John French, Robert Smith, Michaell Bouden and Jacob Towne of Topsfield. [Original on file in the Registry of Probate.]

Inventory of the estate of John Davis, taken by Jo. Gould and John How, 26li. 11s. 2d. Debts owing for ten months' diet and burial, to Mr. Rogers and Goodwife Pabody. [Original on file in the Registry of Probate.]

Will of Abraham Tappin of Nubury, dated June 20, 1670, and proved Mar. 25, 1673, at Ipswich court: sons Peter and

Jacob, who is to marry Hannah, daughter of Mr. Henry and Jane Sewall to have the house and lands, Steeven Greenleafe, sr., and John Webster, sr., to have charge of the appraisal; to sons Abraham, Isaack and John, land; to Jacob, lot at Plum Island he purchased of Richard Dole, sometime the lot of David Wheeler; to his son-in-law Samuell Mighill or his wife; to his grandchildren Elizabeth Tappan, Peter and Samuell Tappan; wife Susan and son Jacob, executors; Archelaus Woodman and Tristram Coffin, overseers. Wit: Mary Lunt, Henry Sewall and Joseph Hills. [Original on file in the Registry of Probate.]

Inventory of the estate of Abraham Toppa of Nubury, who deceased Nov. 5, 1672, taken Nov. 27, 1672, by Joseph Hills and Daniell Peirce, and allowed Mar. 25, 1673: his dwelling house & outhouses extant the 30 day of July 1661 with his home lott containing 26 acres 13 acres devidend land 20 acres of meadow ground neare great pine Iland with foure acres Will. Mosses meadow, 526li.; 4 working oxen 20li.; 8 cowes, 28li.; one heifer, 2li.; one calfe, 25s.; 24 sheepe, 10li.; 18 lambes, 6li.; 8 swine, 8li.; six piggs, 2li.; 3 cushings, 6s., one carpet, 4s., 4 paire sheets, 3li., 3li. 10s.; one diap cloth & napkins, 12s.; three other table cloths, 10s.; 1 dozen of napkins, 12s., 4 pillow cases, 16s., 1li. 8s.; 5 pewter platters, 1 bassen & ure, 3 sawcers, 1 butter dish, one quart pot, one candle stick, one cadle cup, 1 porringer waying 29li., 1li. 18s. 8d.; one bras candlestick, 3s., one bras pott, 26s., one Iron kittle, 6s., 1li. 15s.; one Iron pot, 6s., one bake pan, 5s., one bras skillett, 5s., 16s.; 1 bras pan, 1 pestle & Smothing Iron, 5s., one silver beaker, 45s., 2li. 10s.; one silver spoone, 10s., 1 pr. Cobirons, fire pan, tongs, 25li. 12s., 1li. 2s.; one joyne cubbard, 30s.; two sives, 2s.; one old bedsted & a barell, 5s.; 2 coverings, 2 blanketts with halfe a down bed & 2 firkins, 1li. 15s.; about 12 bush. Indian corne, 32s.; 4 bush of rye, 20s.; 15 bushells barley, 3li.; 4 bush. of wheat, 20s.; 10 bush. oates, 20s.; one old axe, 18d.; one paile, 2s.; one frying pan, 4s.; tray, 2 milkpans, 3s.; 3 sacks, 6s.; two old trunks, 5s.; one old chest, 2s.; one table in ye hall, 10s.; 3 barrells & half barrell, 7s.; 3 occumy spoones, 9d.; a paire of bellows, 6s.; 2 chaires, 4s.; 15 trenchers, 10d.; two glasses, 2s.; two forkes, 18d.; one dung fork, 1s.; one bible, 8s.; Raigner of originall sinn, 2s.; 1 plow, 1 chaine, one yoake, one Harrow, 20s., one fanne, 10s., 1li. 10s.; the new barne, 25li.; Johns bed with 2 bolsters, 2 pillows, 3

blanketts, one Rugg, one coverlet, curtains & valence, 12li., 37li.; 3li. of sheeps woole, 40s.; wearing apparrell, 10li.; 4 paire of sheets with other linen, pewter, bras, Iron, plate, with other household goods and Implements of husbandry designed to Jacob, besides his last year's corn, 28li. 10s. 3d.; total, 710li. 15s. 6d.

Debts owing to him, from Samll. Worster, 3li. 16s.; Tho. Hardy, 10s.; old Hardy, 15s.; Jo. Rand, 24s. 8d.; Nico. Wallington, 3li.; Wm. Huttchens, 11s.; Jo. Poore, 5s.; Jo. Godfry, 3s.; Peeter Toppan for keeping cattle, 128li.; debts owing to Rich. Dole, 1li.; Capt. Gerish, 6s. 6d.; Jo. Knight, 11s.; Wm. Ilsly, 14s.; Jo. Webster, 11s.; Tristram Coffin, 12s. 9d.; Capt. White, 16s. 5d.; Ja. Ordway, 5s.; Ben. Lowle, 5s. 6d.; Nath. Clark, 3s. 4d.; Jo. Bartlet, 5s.; Mr. Thomas, 9s.; Mrs. Cottle, 6s.; Josh. Bream, 4s.; Peter Toppan, 6s.; Hugh Marsh, 20s.; Mrs. Noyes, 8s.

Will of Richard Fitts of Newbury, planter, dated Dec. 2, 1672, and proved, Mar. 25, 1673, at Ipswich court: Bequests to his brother-in-law James Ordway, and James' daughter, Jane Ordway; to his sister Travisses eldest daughter; to his kinsman Abraham Fitts, and said Abraham's son Abraham and his daughter whom he had by his first wife, at age; William Chandler and Ensigne Steeven Greenleafe, overseers. Wit: William Chandler and Steeven Greenleafe. [Original on file in the Registry of Probate.]

Inventory of the estate of Richard Fitt, who deceased Dec. 4, 1672, taken by Steeven Greenlefe and Wm. Chandler, and allowed Mar. 25, 1673, 164li. 18s. 6d. Land at Jerreco and Plum Island, etc. [Original on file in the Registry of Probate.]

Will of Thomas Jones, jr., dated Nov. 13, 1672, and proved Mar. 25, 1673, at Ipswich court. Bequests to his brother Thomas Howard, a gun which is at Nicolas Maning's at Salem; to brother Benjamin; to his mother, and to his sister Remember. Wit: Mary Joanes and Remember Joanes. [Original on file in the Registry of Probate.]

Inventory of the estate of Thomas Joanes, jr., who deceased Nov. 25, 1672, taken Dec. 12, 1672, by Wm. Griggs and James Hughes, amounting to 30li. 12s. 6d. Debts to Mr. Wm. Brown, sr., Thomas Clifford, Wm. Grigs, James Hughes and Benjamin Jones. Allowed, Mar. 25, 1673, in Ipswich court. [Original on file in the Registry of Probate.]

Will of John Gage, of Bradford, without date, proved, Mar. 25, 1673, in Ipswich court by the witnesses; executors, his sons, Samuell, Daniell, Nathaniell, Jonathan and Josiah Gage; bequests to wife Sarah, his grandson and the before mentioned sons. Wit: Shubael Walker and Gilbert Willford. [Original on file in the Registry of Probate.]

Inventory of the estate of Sergt. John Gage of Bradford, appraised Mar. 26, 1673, by Henry Kingsbury, Thomas Kimball and Shubael Walker, amounting to 435li. 10s. Debts due from Mr. Francis Wainwright of Ipswich and Samuell Graves of Ipswich. Allowed, Mar. 25, 1673, in Ipswich court. [Original on file in the Registry of Probate.]

Will of Gyles Cromwell of Newbury, very aged, dated 7 : 2 : 1672, and proved in Ipswich court, Mar. 25, 1673, by Benjamin Swett, one of the witnesses, the other witness Mr. Anthony Stanion, being unable to travel, made oath Mar. 20, 1672-3, before Samuell Dalton, commissioner; bequests to son Phillip Cromwell; to son Phillip's eldest son, land in Newbury, adjoining Steeven Greenlefe's; to daughter Argentine Cram, wife of Benjamin Cram, land adjoining Ens. Steeven Greenleife and at Pine Island marsh, between Mr. Edward Woodman's and John Roffe's; to daughter Argentine Cram's children. [Original on file in the Registry of Probate.]

Inventory of the estate of Giles Cromwell deceased Feb. 24, 1673, appraised by Bene. Swett and Steeven Greenleafe, amounting to 215li. 6s. 11d.; debt due from Caleb Moody, John Bartlet and Edward Richardson. Allowed, Mar. 25, 1673, at Ipswich court. [Original on file in the Registry of Probate.]

Agreement, dated Mar. 22, 1672-3, concerning the estate of Thomas Wellman of Linn, who left no will, that the widow be executrix and the estate divided, to the eldest son Abraham; younger son Isack; to the widow the new dwelling house; to the eldest daughter Elizabeth Wellman; second daughter Sara Wellman; younger daughter Mary Wellman. Allowed, Mar. 25, 1673, at Ipswich court. [Original on file in the Registry of Probate.]

Inventory of the estate of Thomas Wellman, deceased October 10, 1672, appraised by Thomas Kendall and Jeremiah Swayen, amounting to 370li. 10s. 7d. Allowed, Mar. 25, 1673, at Ipswich court. [Original on file in the Registry of Probate.]

Inventory of the estate of Susana Jordon, who deceased Jan. 25, 1672, taken Feb. 4, 1672, by Wm. Pilsbury, Moses Pilsbury and Anthony Somerby, amounting to 18li. 11s. 4d. Debts due from Abraham Merrill, Richard Bartlett and Thomas Barber. Debts due to Henry Short, Goodman Ordway, John Bartlett, William Bolten, Tristram Coffin, John Knight, Abell Merrill and Joane Merrill. Allowed, 25 : 1 : 1673, at Ipswich court. [Original on file in the Registry of Probate.]

Verbal will of Thomas Whitredge, dated Aug. 21, 1672, was brought into court by Robert Morgan and Richard Norman, and the court appointed Samuell Morgan and Richard Norman, administrators, the will being allowed, Mar. 25, 1673, at Ipswich court; he left his three sons, Thomas, Richard and William, in the care of the administrators, brothers of his deceased wife, to be taught trades, and all his property was bequeathed to them; his brother Samuell Whitridge and his son in law, John Traske. [Original on file in the Registry of Probate.]

Inventory of the estate of Thomas Whittridge of Ipswich, appraised by Robert Colburne of Ipswich and Wm. Flint at Salem, Sept. 3, 1672, amounting to 180li. 12s. Allowed, Mar. 25, 1673, at Ipswich court. [Original on file in the Registry of Probate.]

Inventory of the estate of John Fuller, appraised Dec. 31, 1672, by Uzal Wardell and Esah Wood, after the marriage of the widow to her second husband, Thomas Perrin, as attested by James Fuller, Jan. 29, 1672, before Daniell Denison, amounting to 236li. 18s. 6d. Allowed, Mar. 25, 1673, at Ipswich court. [Original on file in the Registry of Probate.]

Inventory of the estate of Benjamyn Gage, appraised, Nov. 12, 1672, by Lt. Samuell Brocklebanke, John Gage and Robert Savery, amounting to 170li. 12s. 6d. Allowed upon oath of Prudence, the widow, Mar. 25, 1673, at Ipswich court. [Original on file in the Registry of Probate.]

COURT HELD AT SALISBURY, APR. 29, 1673, BY ADJOURNMENT.

Court ordered that Green's and Robie's executions against Capt. Barefoot obtained at the first session, be issued against said Barefoot and his surety, Ralfe Hall.

Bartholemew Heath and Steven Dowe, both of Haverhill, were appointed administrators of the estate of Joseph Heath, late

deceased, until Hampton court next, when an inventory was to be presented.

Nathl. Boulter and Henry Robie's bond forfeited for not prosecuting was remitted, and said Boulter was allowed 5s. for prosecuting a complaint against Jno. Godfrey in behalf of the country.

Danll. Ela, convicted for suffering cider and strong beer to be drunk in his house contrary to law, was fined.

Danll. Ela, for cursing the third time was to be whipped or pay a fine.

John Williams, jr., for being abroad at unseasonable time of the night coming to Peter Green's house, and carrying himself uncivilly, was fined.

Lt. Phillip Challis, Richard Currier and Gerard Haddon, appointed by the court to end small cases in Amsbery, the two latter took the oath and Lt. Challis was to be sworn before Major Pike.

William Barnes, constable of Amsbery, presenting a complaint against Tho. Teuxbery for living from his wife contrary to law, court ordered that he be apprehended by the constable and carried before authority to give bond.

Nathl. Griffyn was ordered to appear at Hampton court next to answer his presentment, and Major Pike was to take the bond.

Jane Cartwright was sentenced by the last court held at Hampton to be whipped for fornication or pay a fine, since which time she is reported to have fled to Lampreele river. Court ordered that the marshal of Norfolk bring her to Hampton to be openly whipped upon some lecture day when Mr. Dalton shall appoint, unless the fine be paid.

John Gill of Salisbury was freed from ordinary training, allowing to the military company 6s. per annum, provided if the said Gill appear any training day complete in his arms and performs the service of the day, he shall be discharged of his 12d. for every such day wherein he shall so exercise.

Mr. John Stockman was licensed to sell strong waters by retail to the inhabitants of Salisbury out of doors, provided he proceed according to law.

William Osgood, Henry Ambross and Joseph Severans, fined by Major Pike 20s. each, petitioned that their fines be remitted,

because the business they went about was lawful, and because they never heard any sentence read of any fine, whereby they might appeal. The complaint was referred to Hampton court next, and Jno. Severans, sr., Henry Ambross and William Osgood, jr. were bound.

Upon motion of the selectmen of Haverhill desiring the court to appoint Danll. Ela to give entertainment to strangers for their necessary refreshment until the court licensed some meet person for that purpose, and said Ela petitioning that he might be relieved of that trouble, but none appearing to take up the work, court ordered that Danll. Ela have liberty to provide wholesome meat and drink such is of necessity for diet and lodging and entertainment for horses provided that he give bond, with one surety, that he allow no inhabitant to drink in his house unless in the company of strangers as the law allowed, and that no one should commit any disorder in his house prohibited by law. Danll. Ela and Tho. Davis bound.

Edward Colcord, for striking Eunice Coule, drawing his knife and threatening that he would rip her, was fined.

Mr. Jno. Gillman, Lt. Hall and Jonathan Thing were appointed commissioners to end small causes in Exiter for the ensuing year and Mr. Dalton was impowered to administer the oath to them.

Court hearing the evidence against Eunice Coul and considering former things against her, committed her to Boston goal, there to be kept for further trial.

Administration was granted to Joseph Lancaster upon the estate of Michael Tandy, deceased, and he was ordered to bring in an inventory to the next Hampton court.

Court ordered that the town of Salisbury keep account of the charges for the widow Bendesert and present it to Hampton court next, which concludes the settlement.

Benjamin Collis (also Collins), presented for entertaining children and other persons at unseasonable time of the night, was fined.

Robert Downer, for being drunk at the house of Ben. Collins on Dec. 25 last, was fined.

Robert Downer, Henry Ambross, Joseph True and Joseph Severans, for taking cider to the house of Ben. Collins on Dec. 25 last in the evening, causing much disorder, were fined.

Robert Downer, Joseph True, Benjamin Severans, Ruth Whittier, Tho. Eaton, Jno. Eaton, Eliza and Jabez Bradbury, Clem. Jerman, Henry Ambross and Susan, his wife, Joseph Severans and Elizabeth Eaton were fined for disturbance at Ben. Collins', Jno. Bradbury being freed on account of giving the evidence.

William Bradbury and Rebecka, his wife, presented for fornication, were acquitted, there being no evidence to prove it.

COURT HELD AT IPSWICH, JUNE 19, 1673.

Will of Henry Short, of Newbury, dated Feb. 15, 1672, and proved upon oath of the witnesses, Symon Tompson, Richard Kent and Anthony Somerby, before Worshipful Samuella Symond, deputy governor, and Major General Denison: Bequests to wife Sarah, son Henry, daughter Sarah; if his wife and children die without issue then to his cousin Samuella Holt, provided he give to Robert Long's children and to Nathan Parker, jr., 10li. each; if Samuel die, then to his brother Nicholas Holt; son Henry and wife, executors; Mr. Joshua Moody, Richard Kent, Symon Tompson and Anthony Somerby, overseers. [Original on file in the Registry of Probate.]

Inventory of the estate of Henry Short of Newbury, who deceased May 5, 1673, taken, May 7, 1673, by Richard Kent, Symon Tompson and Anthonye Somerby, amounting to £1,842. 8s.; the new parlor, old parlor, new parlor chamber, kitchen chamber, buttery, kitchen and dairy house mentioned; he also owned a negro man. Debts owed, 68li. 2s. [Original on file at the Registry of Probate.]

Will of Thomas Borman, of Ipswich, dated Dec. 17, 1670, and proved by the witnesses, John Dane and Wm. Hubbard: bequests to wife, son Thomas, daughter Joanna, son Daniell, daughter Mary, wife of Robert Kinsman, daughter Martha, wife of Thomas Loe; overseers, Symon Tompson and Thomas Burnam. [Original on file at the Registry of Probate.]

Inventory of the estate of Mr. Thomas Borman of Ipswich, taken May 26, 1673, by Daniell Epps, John Dane and Symon Tompson, amounting to 553li. 6s. 6d. Debts owing, 30li. [Original on file at the Registry of Probate.]

COURT HELD AT SALEM, 24 : 4 : 1673.

Judges: Worshipful Mr. Simond Bradstreet, Maj. Daniel Denison and Mr. Tho. Danford.

Jury of trials: Mr. John Browne, sr., Mr. Joseph Hardy, Mr. Samll. Pitman, Mr. Richard Hollingworth, Samll. Gardner, jr., Samll. Beadle, Ensigne Samll. Corning, Charles Gott, Francis Nurse, John Fitch, En. John Fuller and Richard Haven.

Jury chosen for some actions at the latter end of the court: Mr. Eleazer Hathorne, Jon. Clifford, George Keazer, Robert Potter, John Pickworth, Nicho. Pickering, Nathll. Beadle, Hen. Skerry, jr., Tho. Gardner, Mr. John Higenson and John Todd.

Richard Rowland v. Capt. James Smith. Debt due upon breach of bond. Withdrawn.*

John Peach v. Jonathan Hart and his sisters, Eliza, Sara, Deborah and Florrance, the deputed children and heirs of John Hart and Florrance, his wife, deceased. Review. Verdict for plaintiff, the house and land in controversy. Appealed to the next Court of Assistants. Jonathan Hart and John Putnam bound.†

*Writ, dated Mar. 26, 1673, signed by Robert Lord,‡ for the court and served by Henry Skerry,‡ marshal of Salem. Bond of James Smith,‡ John Peach, jr.,‡ and Thomas Powell.‡

Copy of Salem court record of 27 : 9 : 1666, in an action of John Peach, sr. and jr. and Richard Rowland v. William Nick, made by Hilliard Veren,‡ cleric.

†Writ, dated Marblehead, 13 : 1 : 1673, signed by Moses Maverick,‡ for the court, and served by Robert Bartlett,‡ constable of Marblehead.

Copies of the papers in this action, taken from the Ipswich court records of March, 1673, by Robert Lord,‡ cleric.

William Beale, aged upward of forty-three years, deposed that Jonathan Hart in his hearing owned that his mother Florence accepted his father Hart's moveable estate in lieu of her thirds. Sworn, 24 : 1 : 1672-3, before Wm. Hathorne,‡ assistant.

Wm. Watters, aged about thirty-eight years, testified that Samll. Archer, sr., marshal of Salem, meeting him near Mr. Walton's house in Marblehead, told him that by an order of court, he had been to deliver to Mr. George Corwin's order, that is to say, to Wm. Charles, for the said Corwin's use, the house and land of Jno. Hart, lying in Marblehead, with the consent of the widow Florence Hart. This was about one year after she brought in the inventory, and deponent heard her say she would be glad to

‡ Autograph.

Mr. Wm. Browne, sr. v. Wm. Hutson and Will. Leatherland. Debt. Verdict for plaintiff.*

Mr. Wm. Browne, sr. v. Abra. Allen. Debt. Verdict for plaintiff.†

accept the moveables for her thirds, which she carried away with her. Had the question come up six months ago, Wm. Charles could have testified the same, as he urged deponent to buy the said house and land, etc. Sworn, 24 : 1 : 1672-3, before Wm. Hathorne,‡ assistant.

John Hart's estate amounted to 74li. 10s.; debts due to Mr. Corwin, 30li.; Mr. Browne, 8li. 8s. 6d.; a bill at Boston, 5li.; Mr. Elzey, 18li.; Mr. Archer, 3li.; total, 64li. 8s. 6d.; the widow's thirds of house and land, 15li. 10s., leaving 59li. 6d. to pay debts, the creditors to be proportioned as follows, to Mr. Corwin, 27li. 10s. 5d.; Mr. Browne, 7li. 14s. 4d.; bill at Boston, 4li. 11s. 3d.; Mr. Elzey, 16li. 9s. 10d.; Mr. Archard, 2li. 14s. 2d.

Elias Stileman deposed that in 1656, he being the clerk of Salem county court, when the inventory of John Hart's estate was brought in, etc. Sworn, 28 : 3 : 1673, before Edward Tyng,‡ assistant.

Nathaniell Pickman, sr., testified that John Hartt of Marvell-head had an acre of salt marsh near the South river in the east side of Castell hill, which after Hart's decease was in the possession of Mr. Elias Stileman. Sworn in court.

John Pickering, aged thirty-five years, deposed that Mr. Stileman gave Edward Flent one quarter of an acre of this marsh. Sworn in court.

Martha Beall, aged about forty years, deposed. Sworn in court.

*Writ, dated May 27, 1673, signed by Jonath. Negus,‡ for the court, and served by Rich. Wayte,‡ marshal of Suffolk, by attachment of defendant's estate in Boston.

† Writ, dated June 5, 1673, signed by Hilliard Veren,‡ for the court, and served by Henry Skerry,‡ marshal of Salem, by attachment of all the sea coals and charcoal of defendant, also a chest of joiner's work of his.

Abraham Allin of Marblehead is Dr., 12 : 4 : 1671, to 1 oz. of nutmegs, 7 1-2li. sope, 1 bush indian, 7s. 4 1-2d.; 2 : 7 mo., 1-2 bush Pease, 2 yd searg, 6s. p., 22 doz. butt., 15s. 3d.; 25 : 7 mo., 1 yd. 1-2 of tiking, 3s. 2d. p., silk, 7 1-2 & 4li. suger, 7s. 4d.; earthen ware, 2s. 3d. & 2 C. nailes, 15d., 4s. 9d.; 2 C. 1 qr. 2 3-4 of Iron, 6 1-2 yd. blue linin, 22d. p., 3li. 15s. 7d.; 4 C. bricques pd. to John Mason, pots, 9d., 9s. 9d.; 1 bush. indian, 1-2 bush pease, 1 C. 7li. Iron, 1li. 15s. 6d.; 1 C. great nailes, 4li. Suger, 5 yd holland, 1li. 12s.; 5 yd. fine Canvis, 3s. 4d., 1 pr. Stockings, 3s.

‡ Autograph.

Mr. Wm. Browne, sr. v. Hen. Leonard. Debt. Withdrawn.*

George Keaser v. James Browne. Verdict for plaintiff, the land in controversy. James Browne, jr., attorney of James Browne, sr., appealed to the next Court of Assistants. James Browne, jr. and Mathew Price bound.†

6d., 1li. 2d.; 1 1-2 bush. pease & 1 C. nailes, 3d., 6s. 3d.; 1 bush. malt at francis Skeries, 4s. 6d.; for my bote to Carie Coles to Marlhead, 4s.; 26 :6 : 1671, 1 Chalder of sea coles, 1li. 15s.; total, 12li. 17s. 6d. Rec'd. p 2 Anchors way 82li. at 6d., 2li. 1s.; rec'd p Ellis Hendley, 4li. 8s.; total, 6li. 9s.; rest due, 6li. 8s. 6d. John Appleton made oath that he keeping the books Mr. William Browne sr., posted the above-mentioned particulars from the day book to the ledger and delivered the account to Abraham Allin and his wife. Sworn in court.

* Writ, dated June 5, 1673, signed by Hilliard Veren,‡ for the court, and served by Henry Skerry,‡ marshal of Salem, by attachment of defendant's interest in the Iron works at Topsfeld.

† Writ: Mr. George Keaser v. James Browne, glazier; for laying claim to or pretending a title and interest in a parcel of land of plaintiff's, also plowing and sowing the said land several years and for suspicion of taking away the partition fence and removing two bound posts; dated June 17, 1673; signed by Hilliard Veren,‡ for the court; and served by Henry Skerry,‡ marshal of Salem.

Letter of attorney, dated June 24, 1673, from James Browne, sr.,§ of Salem to his son James Browne, jr., of Charlestown, glazier. Wit: Mathew Price,‡ Samuell Pickworth‡ and Robert Lord, jr.‡

Mortgage deed, dated June 16, 1664, Christopher (his mark) Waller of Salem, traymaker, to James Browne, glazier, for 85li., "my now dwelling house in which I liue, lying in Salem," with one acre of land, bounded on the west by a lane or highway, on the south by some land of John and William Marstone, east by land of John Gidney and north by land of Mathew Price, on condition that said Browne pay 50li. to Mr. Edmond Batter, in cattle and corn, and 35li. in a mare and colt, English goods and money. Wit: Hillyard Veren‡ and Thomas (his mark) Dier.

Deed, dated May 23, 1662, from Christopher (his mark) Waller|| and Margerett (her mark) Waller|| of Salem to Mathew Price of Salem, tailor, for 36li., a dwelling house with about ninety rods of land in Salem, bounded on the south by said Waler's land, on the east by Joseph Miles, on the west by a lane or highway, on the north by the North river; it was to be understood that the bounds of that land were not to the river but to the highway between it and the river. Wit: Thomas

‡ Autograph.

§ Autograph and seal.

|| Seal.

Cromwell,* Hillyard Veren* and George Emery.* Acknowledged, 15 : 5 : 1664, before Wm. Hathorne.*

Deed, dated July 14, 1664, from Christopher (his mark) Waller† of Salem, traymaker, and Margaret (her mark) Waller† to James Browne of Newbery, glazier, for 85li., the house in Salem in which he now lives, and land, bounded as in the foregoing mortgage deed. Wit: George Emery* and Hillyard Veren.* Acknowledged, 15 : 5 : 1664, before Wm. Hathorne.* Recorded in book 2, fol. 82, on 15 : 5 : 1664, by Hillyard Veren,* recorder.

John Glover, aged about thirty-six years, deposed that Mathew Price, about five or six years since, hired him to set up a partition fence between his land and the land now in controversy, and there were stakes standing as the bounds. Deponent was also hired by George Keyser to set up three posts in the line between the land of James Browne and the land in controversy, the fence being removed which was formerly between them. Deponent set the posts as near the line as he could, ranging even with the corner post, which was marked with an ax, and he also hired the land in controversy of George Keyser for one year and enjoyed it without any molestation. Sworn in court.

Georg Keyser's bill of cost, 2li. 6s. 6d.

Allester Makemelon, aged about forty-two years, and his wife Elesabeth, aged about thirty-two years, deposed. Sworn in court.

Richard Prince, aged about fifty-nine years, and Nathaniell Beadle, aged about thirty years, deposed that being desired by Mr. George Keser to go with him to James Browne, glazier, to demand a reason why he plowed and sowed this land, Browne replied because he had a title to it. Keser said that he had a bill of sale for it, etc. Sworn in court.

Benjamin Felton, aged about sixty-nine years, deposed. Sworn in court.

Nathaniel Felton, aged fifty-seven years, deposed that being desired to go with Waller to Mathew Price to know if he would pay him 3li. for the land in controversy, Price said that when Mr. Browne came from Boston he would see if he would pay it for him, but Waller said the time had expired and he could stay no longer for his pay day with Richard Leech was past. Then Waller went to Mr. Browne's and deponent heard Mrs. Browne tell him that she knew her husband would not pay a penny for Mathew Price. Sworn in court.

John Marston, sr., aged about fifty-seven years, deposed. Affirmed in court.

Copy of the judgment given by Wm. Hathorne,* assistant, in an action of trespass, George Keaser v. Mathew Price, for taking away stalks, with verdict for plaintiff.

* Autograph.

† Seal.

Elizabeth Browne, administratrix of the estate of Edmond Nicholson, deceased, and Joseph and Samuell Nicholson, the natural children and heirs of said Ed. Nicholson v. Capt. James Smith. Verdict for defendant, his proprietary in the land.*

Copy of deed, dated Jan. 16, 1664-5, Christopher Waller and Margaret Waller, of Salem, to Mr. George Keaser of Salem, tanner, land in Salem, eight poles in length, two poles and twelve feet in breadth, bounded by Mathew Price, James Browne, Joseph Miles and the highway, etc. Wit: Edward Norice and John Orne. Acknowledged, 15 : 3 : 1671, before Wm. Hathorne,† assistant. Recorded in book 3, fol. 113, by Hilliard Veren,† recorder. The premises were delivered up and possession given with livery and seisure, Sept. 19, 1665, before Edward Norrice, and Benjamin Felton. Copy made by Hilliard Veren,† cleric.

Hilliard Veren,† aged about fifty-two years, deposed that he was present when possession was given by the different parties and could testify concerning the bounds, etc.

*Writ, dated 11 : 4 : 1673, signed by Hilliard Veren,† for the court, and served by Robert Bartlett,† constable of Marblehead, by attachment of house and land of defendant.

Copy of Salem court records, 27 : 9 : 1666, in action of John Peach, sr., and others v. William Nick.

Copy of Salem court records, 27 : 9 : 1660, granting administration upon the estate of Edmond Nicholson to his wife Elizabeth, and the disposal of the estate.

Copy from the town book of Marblehead, attested by Thaddeus Riddan,† recorder, that Edmond Nicolson paid in part of the purchase of the farm bought of Capt. Hathorne, which was formerly Mr. Jno. Humpherys, 4li.; also Francis Simson paid 4li. toward the purchase of the same farm.

Original letter of Francis Simson† to Samuell Eburne, dated Road Island, 17 : 1 : 1666, a copy of which appeared, 27 : 9 : 1666, in Salem court files.

Letter of attorney, dated June 24, 1673, from Elizabeth (her mark) Browne,‡ administratrix of the estate of her former husband, Edmund Nicholson, to Thomas Norman. Wit: Richard (his mark) Rowland and Nicholas (his mark) Androws.

John Bartoll, aged about forty-two years, deposed that in the year 1651, he was chosen to keep the cows with John Stacey, sr. It was ordered that one of them should keep every Lord's day with one of the inhabitants, and his turn was to keep with Edmund Nicholson. They being with the herd in the heat of the day when the cattle were lying down in the farm, formerly Mr. Humphre's, they fell into discourse about what a brave farm it would be if it were one particular man's, but divided as it was

† Autograph.

‡ Seal

Mrs. Margeritt Michell, Daniell Gookin and Thomas Danforth, Esqrs., and Mr. John Cooper, administrators of the estate of Mr. Jonathan Michell, deceased v. Mrs. Margeritt Bishop and Samll. Bishop, executors of the will of Mr. Tho. Bishop, deceased. Withdrawn.

Mr. Saltonstall being sued by Mrs. Bishop in 1672 and not prosecuting, was allowed costs.

Anthony Carrell v. Hen. Leonard. Debt. Verdict for plaintiff, damage in bar iron.*

Anthony Carell was allowed a bill of costs against Hen. Leonard.

Edmond Bridges v. Hen. Leonard. Breach of covenant. Withdrawn.†

Joseph Fletcher, the now husband of Israell, the late widow of Henry True, deceased, administratrix of the estate of said True, in her name and as attorney to the three children of the said True,

it would do no good to anyone. And Nicholson said that he and his brother Francis Simson had eight pounds in it, but they had sold it to Goodman Smith and were glad to be rid of it. Sworn, 24 : 4 : 1673, before Thomas Danforth,‡ assistant.

*Writ, dated May 15, 1673, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich.

Summons, dated June 19, 1673, for appearance of Anthony Carrell to answer the complaint of Henry Leonard, for refusing to give possession of land, according to lease.

Bond, dated 22 : 3 : 1672, given by Henry (his mark) Lenard of Bromigum forge in the county of Essex to Anthoney Carrell of Essex county, for 13li. to be paid in bar iron at 24s. per hundred. Wit: Thomas Lenard‡ and James Hanscombe.‡

Reckoned 17 : 1 : 1672-3, with Anthoney Carrell, and there was due to Henry Leonard, 3li. 4s. 6d.; by 1 C. 19li. bar Iron dd. at Ipswidg, 1li. 8s. 3d.; by a qr. of bar Iron dd. to Abraham Redington by Carrell's order, 6s.; total, 4li. 18s. 9d. Sworn in court.

Anthony Carrall's bill of cost, 16s. 6d.

James Hanscombe deposed. Sworn in court.

Antony Carell's bill of cost, 1li. 8s.

†Writ: Edmond Bridges v. Henry Leonard; non-performance of an agreement to deliver two tons of anchor iron; dated June 18, 1673; signed by Robert Lord,‡ for the court; and served by Joseph Leigh,‡ deputy marshal of Ipswich, by attachment of a parcel of bricks and all his interest in the Iron works.

‡ Autograph.

namely, Hen., Joseph and Jemima True v. the Town of Salem. Verdict for defendant.*

John West v. Ruth White. For withholding, keeping and not yielding to him the possession of a house and land. Verdict for defendant.†

* Writ: Joseph Fletcher, now husband of Isræll, late widow of Henry True, and administratrix of his estate, and attorney to the three children of Henry True, Henry, Joseph and Jemima v. the common land of the town of Salem; for withholding or not laying out a parcel of land that was granted to Henry True, it being about forty acres, as per grant upon the town records of Salem, under date of 17 : 10 : 1649, which land had never been laid out; dated May 27, 1673; signed by Tho. Bradbury,‡ for the court; and served by Henry Skerry,‡ marshal of Salem.

"Att A meeting of the Select men the 17th of y^e 10th m^o 1649. Henry true doth Request for Land granted fourtie Acres of Land." Copied from the town records by Bartlemew Gedny,‡ recorder to the selectmen.

"Att A generall towne meeting 13th 2^m 1661, Its ord'ed thatt all men that haue any former grants of Land from the towne are to come to the select men and make their Claime within one yeare after the date hereof or els to Loose It for ever." Copied from Salem records by Bartlemew Gedney,‡ recorder to the selectmen.

At the county court held at Hampton, 4 : 8 : 1659, "Isræll True y^e relict of Henry True late of Salisbury deceased hath letters of Administracon granted unto her by this p'sent courte in reference to y^e estate of y^e s^d True." Copy made by Tho. Bradbury,‡ recorder.

Letter of attorney, dated May 26, 1673, given by Henry True,§ Joseph True§ and Jemima True,§ all of Salisbury, children of Henry True, "sometime of the Towne of Salem & afterward of Salisbury," to their step-father Joseph Flecher. Wit: John Pike‡ and Dorithi Pearce.‡ Acknowledged, May 27, 1673, before Robt. Pike,‡ commissioner.

Bartlemew Gedney, certified that Capt. Hawthorne, Jefery Massey, Jno. Porter, Edmund Batter, Mr. Corwin and Henry Bartlemew were the selectmen of Salem when the land was granted.

Joseph Fletcher's‡ declaration.

† Writ: John West v. Ruth White; for withholding possession of a house and about 100 acres of land, lately in occupation of Thomas White, late of Wenham, and by him conveyed to the said John West; dated June 6, 1673; signed by Daniel Denison,‡ for the court; and served by Henry Skerry,‡ marshal of Salem. Bond of Ruth White.‡

Thomas Fiske, aged about forty years, testified that since the death of Thomas White, he had seen a deed of gift of the house and farm he possessed at Wenham, which deed was made and signed by John White of Lancaster to his son Thomas White of Wenham and was made more than eight years since. Also that the deed had no seal and was not cancelled, was signed in John White's handwriting and witnessed by Josias White, son of said John, and brother to Thomas White. Sworn, May 26, 1673, before Daniel Denison.*

Robert Lord, marshal, deposed that being at Wenham about Nov. 17, 1668, at the house and farm in which Thomas White then lived, he saw said Thomas give possession by turf and twig to John West of Salem. Sworn in court.

Abraham Drake testified that being at the widow White's with John West, he heard him demand possession of the house and land, and the widow declared that she had no power to deliver it to them. Sworn, June 12, 1673, before Daniel Denison.*

James Chute* testified that he saw a writing at Mrs. Numan's of Wenham since Mr. Numan died, it being the deed of gift, etc. Sworn, June 12, 1673, before Daniel Denison.*

Walter Fairfield, aged about forty years, and Marke Batchelder, aged about thirty-eight years, deposed that they saw the deed of gift of the farm in Wenham which was granted to John White by the town of Salem, and the date of the deed was in Jan., 1657. Further that it was not acknowledged before a magistrate. Sworn in court.

Ruth White's bill of cost, 1li. 4s.

Thomas Lawthrope deposed that he asked Mr. Newman if he had any writing from old Goodman White concerning the farm which he gave his son Thomas White, and he said he had, else he should never have done what he did. Sworn in court.

Samuell Ingalls deposed that he witnessed possession given. Sworn, June 19, 1673, before Daniel Denison.*

Mortgage deed, Nov. 1, 1665, Thomas White† of Wenham indebted to John West of Salem for 100li. in consideration of corn and cattle received of said West, the goods to be delivered at the now dwelling house of West, payable Nov., 1668, in corn, pork or fat cattle; and for security, White gave his dwelling house and farm of 100 acres in Wenham. Wit: Thomas Pickton* and John (his mark) West, jr. Acknowledged, May 9, 1666, before Daniel Denison.* Recorded in Ipswich land records, book 3, folio 84, by Robert Lord,* recorder. Possession given, Nov. 17, 1668, by Thomas White.* Wit: John Clark* and Samuel Ingalls.* Robert Lord,* marshal, certified that he saw the possession given.

Henery Skerry, sr., testified that he was at Ruth White's house

* Autograph.

† Autograph and seal.

Sergt. Joseph Bigsby v. Thomas Baker, clerk of the Iron works. Debt. Withdrawn.*

Peeter Toppen v. Jacob Toppin, executor, with Susana, his mother, of the last will and testament of his father Abraham Toppin. Verdict for defendant.†

with John West when he demanded possession and she refused, saying that she was ignorant of any right he had. Sworn in court.

* Writ, dated 18 : 4 : 1673, signed by John Redington,‡ for the court, and served by John How,‡ deputy marshal of Ipswich.

† Writ: Peter Tappan v. Jacob Tappan, executor with Susanna, his mother, of the will of his father Abraham Tappan, deceased; for not delivering him an estate given him by his late father Abraham Tappin upon condition of marriage, etc.; dated June 16, 1673; signed by Anthony Somerby,‡ for the court; and served by Benjamin Rolfe,‡ constable of Newbry. Bond of Jacob Toppin.‡

Jacob Tappan's bill of cost, 2li. 1s. 2d.

Summons to witnesses, Mr. Henry Sewall, Mr. Joseph Hills and Daniel Peirce, jr., dated June 19, 1673, and signed by Anthony Somerby,‡ for the court.

Original inventory of Abraham Tappan of Nubury. "This Inventory doth declare that there is 62^{li}. 18^s 6^d which is for howsolld goods; the one halfe of which I now send for bee sides Cattell and shepe. the goods being very much under priced therfor I desire I may have it in Cine."

Petition of John Knight, sr.‡ "I am much troubled to hear that our friends old Goodman Toppen and his son Peeter have soch difference between them of late which I marvel at: Considering how long they have carried it this 20 years for I have had much Acquaintance with them and According too my observation the old man have bin very passable towards all men and very loving to peeter: peeter have bin very dutiful too his father and very carfull of his bisnis when the old man was in England and at the barbados and all along very carfull and painfull in his labor for his father at hardest times: his meadow lying neer mine: I have often wrought with him: and I have observed his dilligence Raeth: and late willing to Improve all seasons for his fathers good: as it is well knowne the care of Improvement of the estate lay much upon peeter: if not all for the generall: many years and in matters of dealing upon accounts as there was a pretty deal between us: I still found peeter very saving and carfull in accounts not willing to lay much upon his own back in Respecke of cloas which I blame him for: and told him: seeing hee had the

‡ Autograph.

care upon him: his father would be willing to let him go handsomely in clothes and lickwies both the old pepell and the young haue seuerall times bin speaking of ther content in peeters mach especially the old man seemed to be much *pleased* with the conuersation of peeters wife and I am troubled too hear what I now doe and I earnestly desiar the welfair of them all."

Summons, to defendant, dated June 16, 1673, signed by Anthony Somerby,* for the court.

Anah Anger, aged about forty-one years, deposed that about eleven years since being at the house of Abraham Tappen, sr., she heard both him and his wife say that half their dwelling house and half of all was their son Peter's. She also heard him say it at "our hous att Cambridg." Sworn, Mar. 14, 1672-3, before Edward Tyng. "Recorded the 22 of March 1672-73: verbatim (as they came to me sealed up) in the third booke, folio: 250: p me Robert Lord,* Rec."

Copy of deed, dated July 30, 1661, from Abraham, sr., and Susana Tappan of Newbery, for the accomplishment of the covenants they entered into with Christofer Batt of Boston, by which there was to be a marriage between Peeter Toppan, their eldest son, and Jane, daughter of said Batt, which having been consummated to mutual satisfaction, also for the natural affection for their son and recompence for his faithful and dutiful service for time past, to said Peter Toppan, from Mar. 10 last forever, one-half of the home lot of 26 acres of orchard, plowground and pasture, with one-half all other lands in Newberry, and upon said Abraham's and Susana's deaths, the other one-half; said Peter was to pay six months after their deaths to the rest of his brothers and sisters such sums as mentioned in his will; if Peter died without issue, the estate was to go to Abraham's other heirs. Wit: Anthony Summersby and St. Sweet, who made oath, Aug. 18, 1670, in court. Recorded in the records of lands for Essex at Ipswich, in book 3, folio 159. Examined, June 23, 1673, by Robert Lord,* recorder.

Tristram Coffin, aged forty-one years, testified that in speaking with Abraham Toppan about the promises he had made to his son Peter upon his marriage, which he had not performed, especially about half of the household goods, he told deponent that he had made the promise to help his son to a wife. Sworn in court.

Copy of deed, dated June 21, 1670, from Abraham Tappan of Newbury, yeoman, in consideration of a marriage shortly to be solemnized between his son Jacob, and Hanah, daughter of Mr. Henry Sewall of Newbery, to said Jacob Tappan either one-half of his home lot of twenty-six acres of orchard, plowland and pasture, with one-half all his other land in Newbury, one-half of the barn and out-houses, which were in his

* Autograph.

possession July 30, 1661, or the full value of the premises aforementioned into ten shillings, with his hay lot at Plumbe Island purchased of Richard Dole, with his dwelling house as expressed in his will, signed in the presence of Mary Lunt, Joseph Hills and Henry Sewall and dated June 20, 1670, etc. Acknowledged, June 22, 1670, before Daniell Denison.* Recorded in the record of lands for Essex at Ipswich, book 3, folio 157. Copy made, Aug. 22, 1670, by Robert Lord,* recorder.

Tristram Coffin, aged forty-one years, testified that he had been old Abraham Toppan's near neighbor for twenty years, and since said Toppan's death, he had seen several parcels of his household goods in the possession of Susanah Toppan and Jacob Toppan, the old man's executors. Also that when Petar Toppan was married, his father had about twenty neat cattle, twenty or thirty sheep and several horse kind and swine, worth 100li. Sworn in court.

Jacob Tappan's answer to the complaint.

John Lewis, aged about fifty-seven years, deposed that about nine or ten years ago, he heard Abraham Tappan, sr., of Newbury say that he had given half his estate to Peter, etc. Sworn at Boston, May 20, 1673, before Edward Ting, assistant. "Recorded verbatim out of the originall 22th day of march 1672-73. sent unto me sealed up Robert Lord* Recd." Copy taken, June 11, 1673, from the third book of records, folio 250.

Petter Toppan* affirmed concerning the promise when he was married.

Anah Anger, aged about forty-one years, deposed that about two years since she "went to give my Brother and sister Tappen a uiset and in the morning befor I came from thence my onkell Tappen Came in to my brothers hous and sayed that ther wer maney suspecions and Jelesis that I would wrong my sonn but I will perform all ingaigments to him I will not wrong him for my wright hand." Sworn, Mar. 14, 1672-3, before Edward Tyng, assistant. Recorded by Robert Lord,* rec., Mar. 22, 1672-3, in book 3, folio 250.

Jane Toppan, aged about forty years, deposed that when her father Abraham Toppan came to Boston to treat with her father and mother about her marriage, said Abraham made many promises and most of what he had should be Peter's. Also if she would consent to match with his son Peter, he would give him half his estate as soon as he was married, etc. Deposed, June 28, 1673, before Robt. Pike,* commissioner.

Ann Batt of Boston, widow, aged about seventy-two years, testified the same. Sworn, Mar. 14, 1672-3, before Edw. Tyng, assistant. Recorded by Robert Lord,* in book 3, folio 250.

* Autograph.

Capt. James Smith v. Erasmus James. Appeal from a judgment granted by Worshipfull Major Wm. Hathorne. Verdict for plaintiff, the reversing of the former judgment.*

*In an action of Erasmus James v. Capt. James Smith, 21 : 2 : 1673, before Wm. Hathorne,† assistant, for debt, judgment was given for plaintiff. Defendant appealed.

Copy of the writ made by Wm. Hathorne,† assistant.

Copy of the bill due made by Wm. Hathorne,† assistant: Capt. James Smith debtor to Erasmus James, myselfe & horse one day helping him to Look for his horses, 5s. 6d.; my selfe one day helping him at his house, 3s. 6d.; my wife making 4 shirts for you & threed, 4s.; making of 3 pr. of drawers for you & threed, 3s. 6d.; serving an Exicution for you upon Jno. Clemence, 2s. 6d.; for a saddle Cloth you lost of myne, 4s.; total, 1li. 3s.

Capt. James Smith's bill of cost, 2li. 12s. 5d.

Erasmus James' bill of cost, 1li. 12s. 3d.

James Smith's† reasons of appeal, received June 16, 1673, by Wm. Hathorne:† that there was no date on the bill and the complaint was made to begin a quarrel with him, etc.

Answer of Erosomus James† to James Smith's reason of appeal from the judgment of the honored Major William Hathorne, a minister of his Majestyes Justice: that the bill was a memorandum, and as to the testimony of a negro, which he says is not legal, he replied that the negro was of such carriage and knowledge that her testimony had been accepted several times before this, etc.

Jno. Legg, aged twenty-eight years, and Thomas Powell, aged thirty years, testified that James Smith desired them both to go with him to Erasmus James', which they did, and Smith asked James if they might not choose one man each to settle the business, but Erasmus refused. Sworn, 21 : 2 : 1673, before Wm. Hathorne,† assistant.

Jno. Waldron, aged about forty-six years, and Saml. Rowland, aged about twenty-six years, deposed that on Feb. 10, Erasmus James desired them to go to Capt. James Smith's house, where said James said "Uncle Smith I have desired Jn° Waldron to come with mee, that I might satisfy you for that eighteen shillings that you doe demand of mee." Smith answered, "I did Ord^r you to pay itt to Jn° Waldron, then said James Asked of Capt. Smith whether he could demand any mor of him & if that were all doubleing ouer two or three tymes, to y^e said Smith: then Capt. James Smith Answared & said; this eighteen shillings is all that I can demand of you; upon all accounts from y^e begining of y^e world to this day, then y^e said James Answared uncle Smith; I will pay itt to Jn° Waldron & the said Waldron did then except

† Autograph.

of itt: so they both ended ther discourse about y^e eighteene shillings very friendly as wee thought." When they went out, James said "Uncle Smith I have now payd you w^t you can demand of mee. now I would haue you pay mee that w^{ch} is my due: upon which y^e sayd Erasmus pul^d out a paper & read y^e p^ticulers to y^e said Smith: he then did owne some of them & some he did nott, butt in fine he said he would not pay y^e said James any thinge wth many other words the said Smith used as if he were angry." Sworn, 21 : 2 : 1673, before Wm. Hathorne,* assistant.

Edward Bennett, aged about seventeen years, deposed that about a year since, Capt. James Smith came to his master Erasmus James' to borrow a saddle and saddle cloth, which said James loaned him, the cloth being a yard of new red cotton, if not an ell. It was never returned, and deponent heard Smith say that it was lost and he would give said James a new one for it. Sworn, 21 : 2 : 1673, before Wm. Hathorne,* assistant.

Jno. Legg, aged about twenty-eight years, and Mary Dill, aged about twenty-two years, deposed that about two years ago James Smith had occasion to take up two horses, and deponent helped him about four or five hours with Erasmus James and Richard Rowland. When they came home, said Smith had dinner provided for them and also a bottle of liquor. Afterward, Smith said, "Gentlemen I am willing to sattisfy you for your paynes," offering to pay them, but all said they were well paid, etc. Sworn, 21 : 2 : 1673, before Wm. Hathorne,* assistant.

Mary Rowland, aged about forty-six years, and her negro maid, aged about sixteen years, deposed that about six or seven months ago, Mary, wife of Erasmus James, made for James Smith four shirts, for which 4s. is usually paid, also three pair of drawers which are counted at 3s. usually. Deponent also deposed that Mary made them after she had married said Erasmus James, before said Smith's wife had come into the country. Sworn, 21 : 2 : 1673, before Wm. Hathorne,* assistant.

Richard Rowland, aged about fifty-five years, and Mary, his wife, aged about forty-six years, deposed that Erosmus James did one day's work at said Smith's house, which was to "take abroad" a great chest that would not go into his door and put it together again, etc. Sworn, 21 : 2 : 1673, before Wm. Hathorne,* assistant.

Jno. Clemence, aged about sixty years, deposed that when said James was constable, he levied an execution upon deponent, which was given to Capt. James Smith upon judgment granted him against deponent by Maj. Wm. Hathorne, etc. Sworn, 19 : 2 : 1673, before Wm. Hathorne,* assistant.

Richd. Rowland and Edward Bennitt testified concerning looking for Smith's horse in Salem woods. Sworn, 21 : 2 : 1673, before Wm. Hathorne,* assistant.

* Autograph.

Capt. James Smith v. Richd. Rowland. Verdict for plaintiff.
Court moderated the bond.*

Thomas Powell, aged about thirty years, and Mary Dill, aged about twenty-two years, deposed. Sworn, 21 : 2 : 1673, before Wm. Hathorne,† assistant.

Mary Dill, aged about twenty-two years, deposed that in 1670, that her father James Smith reckoned with Erasmus James, etc. Sworn, 21 : 2 : 1673, before Wm. Hathorne,† assistant.

Robt. Starr, aged about forty-seven years, deposed that the saddle cloth was lost when he was employed by Smith, etc. Sworn, 21 : 2 : 1673, before Wm. Hathorne,† assistant.

*Writ, dated Apr. 4, 1673, signed by Moses Mavericke,† for the court, and served by Robert Bartlett,† constable of Marblehead.

Warrant, dated Nov. 19, 1672, to John Walldren of Marbellhead, for the apprehension of James Smith and Thomas Powell, for breach of the peace in striking Richard Rowland.

Copy of Wm. Hathorne's† judgment in an action of Richard Rowland v. Capt. James Smith, 23 : 7 : 1672, for withholding a trough of said Rowland's. He found for the plaintiff.

Capt. Smith's bills of cost, 1li. 2s. and 1li. 8s. 4d.

Copy of the Salem court record of 26 : 9 : 1672, of complaint of Richard Rowland against Capt. James Smith, for abuse, made by Hilliard Veren,† cleric.

John Walldren, aged forty-seven years, Thomas Powell, aged about thirty years and Mary Dill, aged twenty-two years, deposed that the constable came to Smith's house with the black staff in the morning before Smith was up, with a special warrant, etc. Sworn, 24 : 1 : 1672-3, before Wm. Hathorne,† assistant.

Copy of an agreement, dated Aug. 30, 1670, between James Smith and Richard Rowland, his brother-in-law, both of Marblehead, that upon mediation of friends, they bound themselves in 40li. that they would live peaceably and quietly, and whoever should be the occasion of future trouble should forfeit 40li. Wit: Moses Mavericke, Erasmus James and Christopher Latamore. Copy made, 24 : 1 : 1672-3, by Hilliard Veren,† recorder.

Elisebeth Browne, aged about fifty-six years, deposed that in Mar., 1672-3, having occasion to go to Capt. Smith's house to demand her right of some land, Richard Rowland and his son Samuell went as witnesses, they being her near neighbors. When said Rowland went in, Smith "broake oute into a deadly pashone And saide geite you oute of my house or elce i will seate you oute," and looked around for something to fling at said Rowland, etc. Sworn, 21 : 1 : 1672-3, before Wm. Hathorne,† assistant.

John Walldron, aged about forty-seven years, and Erasomus

† Autograph.

Mr. Phillip Cromwell v. Rowland Rainsbury. Verdict for plaintiff.*

John Godfery v. Edw. Cleark, Verdict for defendant.†

James, aged about thirty-eight years, deposed that they went with Richard Rowland to his brother James Smith's house, and Rowland said, "Brother Smith, I am Come for my troufe, you might haue Brought it home: you haue had it a long time." Smith refused to give it up and made provoking speeches not becoming a brother or a neighbor. Sworn, 23 : 7 : 1672, before Wm. Hathorne,‡ assistant, and copy made by him.

*Writ, dated May 22, 1673, signed by Hilliard Veren,‡ for the court, and served by Robert Bartlett,‡ constable of Marblehead. Bond of Moses Mavericke.‡

Philip Cromwell's bill of cost, 1li. 2s.

Bond, dated June 28, 1670, Rowland (his mark) Ransbury§ of Marvelhead, fisherman, to Phil. Cromwell of Salem, for 8li., to be paid in fish or mackerel. Wit: Thomas Ives‡ and James Ashby.‡ Sworn to, 26 : 4 : 1673, by Thomas Ives, in Salem court.

†Writ: John Godfry v. Edward Clarke; for, as the marshal's deputy, not performing his office in levying an execution of about 138li. which said Godfry obtained against Mathias Button, and through fraudulent dealing of said Clarke, had not received one penny; dated June 11, 1673; signed by Anthony Somerby,‡ for the court; and served by John Bond, sr.,‡ constable of Haverhill.

John Burbancke, aged about thirty years, deposed that this last spring he was desired by John Godfrey to appraise some land of Mathias Button to satisfy an execution which Edward Clarke was to levy, and he and Daniel Lad, jr., appraised all the land within the fence near Button's house broken up and unbroken, about six acres at 5li. per acre, and also two or three acres of land unfenced that lay about the house, together with the house at 45s., per acre. Said Clarke began to measure the land, and measured about a mile into the woods, said there was land enough, but measured none of the land within the fence and would have delivered the land without the fence to Godfery. He would also have had deponent set his hand to an appraisement of the land at 45s. per acre, which he refused to do, not having seen the land. Upon returning home, Edward Clerke told John Godfrey that nothing was done and that he would return the execution to him. Sworn, July 16, 1672, before Daniel Denison.‡

Thomas Dustan and James Kingsberry testified. Sworn, June 23, 1673, before Nath. Saltonstall,‡ commissioner.

‡ Autograph.

§ Seal.

Mr. Ralph King v. the Town of Lyn. Verdict for defendant.*

Thomas Foulter, aged about thirty-seven years, deposed. Sworn, June 18, 1673, before Daniel Denison.†

Abraham Whitticker, sr., deposed. Sworn, June 23, 1673, before Nath. Saltonstall,† commissioner.

Copy of writ of execution, dated Boston, Mar. 13, 1671-2, against Mathias Batten, to satisfy judgment granted John Godfery, by the Court of Assistants, Mar. 5, 1671-2, signed by Edward Rawson, secretary, and served by Edward Clearke, deputy for Edward Nicholson, marshal general. Copy made by Hilliard Veren,† cleric.

* Writ: Ralph King v. the Town of Lyn; for not allowing him 25li. in land according to an order of the committee, and given by authority of the county court at Salem to said King in relation to a highway to Marvelhead which said committee laid through the land of said King; dated June 17, 1673; signed by John Fuller,† for the court; and served by Samuell Hartt,† deputy for Crispas Brewer,† constable of Linn.

On 21 : 10 : 1672, Wm. Hathorne, sr.,† Edmond Batter† and Henry Bartholmew,† who were appointed by the court to appraise the damage due Mr. Ralph King, reckoned it 25li. Sworn in court, 25 : 4 : 1673, before Hilliard Veren,† cleric.

Agreement, dated Lyn, July 5, 1669, between Moses Mavericke, Richard (his mark) Rowland, John Peach and Thomas (his mark) Pitman for Marblehead, and Allen (his mark) Bread, sr., John Fuller, Andrew Mansfeild and John Burrill, as copied from the town book, 18 : 4 : 1673 by Thomas Laughton,† cler.: "The men Agreed one & chossen to lay out y^e countrey highway betwixt Lyn & marblehead in each Towne accordinge to law, by consent beinge mett att Lyn began att Lyn Towne & soe went one the countrey Road way, till we came to william Bassets feild where wee Agreed yt the highway shall enter into his feild foure poles before wee came to y^e hollow adioynninge to his fence & william bassetts fence to y^e Brooke within m^r kings ground foure poles alonge y^e accustomed highway relatinge to y^e former way w^{ch} wee apprehend is noe mans proper Land but a countrey highway thirty & odd years to y^e knowledge of many of us to ye Brook which runeth into y^e sea att y^e Beach or sand & over y^t Brooke to bee a convenient Bridge for horse and carte where y^e foot Bridge now is & ye way is to bee from y^e upper side of y^e said Bridge to low watter marke & after wee are over y^e Brooke towards m^r kings house y^e way is to bee foure poles wide aboue high watter marke unto y^e risinge of y^e hill neare aboute y^e corner of ye hedge fence to ye northward of ye gate eight poles wide aboue ye Banke & from thence a longe the accustomed way before his house to ye Beach three poles onely before his house

† Autograph.

but tow poles wide and soe a pole wide aboute the high water marke neare vnto ye place formerly called ye pott house & soe foure poles wide alonge ye accustomed highway unto a greate Rocke one ye right hand ye way a little before wee come to Daniell Kinge Junior: his feild soe called & soe to runn crosse ye sd feild one a streight line foure poles wide vnto ye accustomed way risinge up ye hill one ye other side & soe foure poles wide alonge ye accustomed highway unto ye Townshipe of marblehead & from ye enteringe into ye Townshipe of marblehead alonge ye accustomed roade while wee com to ye fence of m^r Devericks & soe a longe yt fence leavinge it one ye right hand foure poles wide & soe alonge ye accustomed cuntry roade w^{ch} wheelles toward ye Bridge called ye new Bridge continuing foure poles wide & soe a longe ye accustomed road aboute ye browe of ye hill while it extend to the Easterly part of ye plaine called m^r mavericks plaine neare vnto ye dwellinge house of Henry Stacy & then to take ye left hand way risinge up ye hill & soe extend it seulf alonge yt way Betwixt Daniell veales & ye hill att ye foot of ye hill where ye road or Beaten path goeth leauinge ye hill one ye right hand & soe extend it seulf to ye stone wall of capt Smith & soe alonge y^t fence alonge ye comon road over ye Bridge while ye road wheele to ye right hand ward & soe to take ye advantage of ye hill upward & downward while wee com to the Bottom of ye hill alonge by ye fence of william Nix to yt place all alonge foure poles wide & soe through ye Towne unto ye Dwellinge house of m^r moses mavericke alonge as ye comon Road lyeth tow poles wide."

Capt. Richard Walker and Ezeikiell Needam testified. Owned in court.

Bill of cost of the town of Lynn, 2li. 16s.

Copy from the Salem court records, 30 : 4 : 1671, of the report of Wm. Hathorne, Edmond Batter and Henry Bartholomew, who laid out the highway as it then ran along by the sea side, four rods wide, etc. Copy made by Hilliard Veren,* cleric.

Henry Collins, aged about forty-two years, deposed that he with his brother John Collins, being at work at Mr. Ralph King's when the layers out were there, the latter desired them to go along to drive the stakes, which they did. Some of the gentlemen asked how long the stakes would stand, and Mr. King said in a short time he would make substantial bounds which would remain, and that deponent and his brother should help him. They heard no more about it, but the stakes were soon gone and a fence was set by Mr. King, etc. John Collins, aged about forty years, deposed the same. Sworn in court.

John Ramsdale, sr., deposed that he had known no other highway to Marblehead from Lynn, for about forty-two years,

* Autograph.

Hen. Trivett v. John Roades. Trespass. Withdrawn.*

Owen Hendy v. Susana Harding, wife and attorney of Phillip Harding. Slander. Withdrawn.

Robert Crosse, jr. v. Ezekiell Needham. Debt. Verdict for plaintiff.†

save that by Mr. King's, and never knew that any travellers were molested on it.

Andrew Mansfeild and Thomas Newhall testified that they heard Mr. Ralph King say that he would give 10li. that the country highway to Marblehead might not go through his farm. This was several years since when there was a debate about the said way.

Copy of a record of a town meeting, 20 : 4 : 1673, made by Thomas Laughton,‡ cleric: "It was voted y^t y^e selectmen or whom they shall appoynt should Answer m^r Ralph Kinge in y^t action he psecuteth agast the Towne for 25li. concerninge a highway and haue power giuen them by ye Towne to psecute ye sd action to effect."

Copy of a record of a meeting of the selectmen of Lyn, 23 : 4 : 1673, made by Thomas Laughton,‡ cleric: "Thomas Laughton senior Serg^t Andrew mansfeild & Thomas Newhall Junior were chossen to Answer M^r Ralph Kinge in y^e action he sueth the Towne for 25^{li} concerninge a highway as alsoe they were chossen & haue power given them to doe what may be thought meet by them to haue the new way w^{ch} ye Towne hath been att soe much charge aboute to bee ye countres Highway betweene Lyn & Marblehead."

* Writ: Henry Trevit v. John Roades, sr.; trespass; for breaking bulk and illegally disposing of the fish or part of their voyage of fish, in which said Trevitt is interested as partner in the voyage, without his knowledge or consent; dated June 10, 1673; signed by Hilliard Veren,‡ for the court; and served by Robart Bartlett,‡ constable of Marblehead.

† Writ, dated 11 : 4 : 1673, signed by Hilliard Veren,‡ for the court, and served by Thomas Iovrye,‡ constable of Linn.

Robert Cross' bill of cost, 2li. 3s.

Letter of attorney, dated June 16, 1673, from Robert Cross.§ of Ipswich to Phillip Fowler of Ipswich. Wit: Andrew Peeters‡ and Joseph Fowler.‡

Nicholas Huchin, aged about thirty-five years, deposed that being with Ezekiell Needham and Robert Crosse at Lyn last October, Robert Crosse sold to Needam 2,000 feet of sawed boards and agreed to deliver them at the sloop that lay then aground at Mr. Tuttle's beach, for which Crosse was to receive 3li. in goods and a pair of shoes at the house of said Needham. Sworn in court.

‡ Autograph.

§ Autograph and seal.

Edmond Bridges v. Hen. Leonard. Non-performance of agreement to supply said Bridges with iron and coal. Withdrawn.*

Wm. Row v. John Leigh. Verdict for plaintiff.†

Robert Ingalls, aged about twenty years, deposed that he went with Ezekiell Needdam to bring home the parcel of boards, etc. Sworn in court.

Stephen Cross, aged twenty-six years, deposed that there were supposed to be 2,000 feet of merchantable boards, but when he and Mr. Needham took account of them, there were not above 1,200 feet and those all refuse. Sworn, June 20, 1673, before Edward Tyng,‡ assistant.

John Cogeswell, aged about twenty-three years, deposed that he being with Roberd Crose at Lin when he bargained with deponent's master Nedum, etc. Sworn, June 23, 1673, before Daniel Denison.‡

Samuell Silsby testified that he was at Linn, etc. Sworn in court.

John Nuell, aged about thirty-five years, deposed that being desired to measure the parcel of boards, he found 1,120 feet, etc. Sworn in court.

* Writ: Edmond Bridges v. Hennary Lenard; for not supplying said Bridges with iron, coal, steel and goods and provisions for his family; dated 18 : 4 : 1673; signed by John Redington,‡ for the court; and served by Joseph Leigh,‡ deputy marshal of Ipswich, by attachment of a parcel of pots and rails and the goods in the house in which he dwells.

† Writ: William Row v. John Leigh; for insinuating dalliance and too much familiarity with his wife, drawing away her affections from her husband, to the great detriment both in his estate and the comfort of his life; dated Mar. 28, 1673; signed by Robert Lord,‡ for the court; and served by Robert Lord,‡ marshal of Ipswich. Bond of Joseph Leigh‡ and John Leigh.‡

Copy of the papers in the complaint against John Leigh and Sarah Roe, taken from the Ipswich court records and files of Mar. 25, 1673, by Robert Lord,‡ cleric.

Bill of cost, 2li. 14s. 6d.

Letter of attorney, given by John Leigh§ of Ipswich to his brother Joseph Leigh. Wit: Elsebeth Wodword‡ and Richard (his mark) Lambard. Sworn, 26 : 4 : 1673, before Wm. Hathorne.‡

Letter of attorney, dated Apr. 7, 1673, given by William (his mark) Rowe, resident in Ipswich, to Mr. John Pickard of Rowle. Sworn, Apr. 8, 1673, before Daniel Denison.‡

Mary Sparke deposed that being at William Rowe's house, together with Thomas Day and his wife one Sabbath day at

‡ Autograph.

§ Autograph and seal.

night, there arose a discourse between us about fishing, and some of them asking him whether he intended to go fishing, he answered that he intended not to go out of the town this winter although he said he had an invitation by a letter from a friend to go to the Isle of Sholes to split fish by the month. However, he did not intend to go for such small wages as were proffered him. This was before his child died. Elizabeth Woodward deposed the same. Sworn before the Worshipful Maj. Denesson, as his worship attested in court, before Hilliard Veren,* clerie.

George Giddings and Jane, his wife, deposed that soon after their marriage, William Roe and Sarah, lodged at his house, and carried it lovingly and kindly as man and wife. Sworn, June 19, 1673, before Samuel Symonds,* Dep. Gov.

Samuell Graves and Grace Graves testified that their sister, the mother of Sarah Roe, consented to the match of her daughter Sarah with Roe, "because wee had Intelligence from y^e Island where he lived that he was a man of a Good Carriage, of a Good estate, Able to maintaine a wife, as also that he was very Industrious to emprove his estate & kind for that end which match Sarah Roe at first was unwilling to accept of but at his second Comeing distance of time betwixt the match went on to our apprehension with Mutuall sattisfaction: But since the business fell out about John Lee his accompanying of her, we know that he hath bene much distressed in his spiritt, & Letted in his Caling and at great uncertainty with relation to his famly. we speaking with Thomas Day ou^r Cousin that married her sister about Sarah, He told us that when she was first married Sarah Carried well to her husband till John Lee frequented the House & her Company when her husband was abroad a fishing, & speaking of her husband W^m Roe he spoke of him in a deriding way of the disparagement of his person; & she answered, well why is he not as other men, If you had bene a sea man as long as hee you would have had wrinkl^s in you^r forehead as well as hee excusing John Lee's disparageing words: further we know that he left his place at y^e Isleands for sattisfaction of his wife & freinds." Sworn, June 23, 1673, before Daniel Denison.*

Elizabeth Hunt, aged about thirty-six years, deposed that Sarah Roe being at deponent's house the Monday before her marriage, said what she had said against Wm. Roe was in jest, for she loved him better than any man in the world. Deponent asked her if she would go to live at the Islands and she said no, that her husband would buy a piece of land in town of Baker Wood and her father would build her a house on it. After they were married, deponent was at Goodman Rust's, whose wife was very intimate with Sarah Roe, and she said that Sarah would have loved her husband well enough if John Lee had not kept

* Autograph.

Mr. John Todd v. Robt. Orchard. Debt. Verdict for plaintiff. John Williams, attorney of Rob. Orchard, appealed to the next Court of Assistants. John Williams and Capt. James Smith bound.*

her company after she came from the Shoals. Sworn, June 23, 1673, before Daniel Denison.†

Mary Fullar, wife of James Fullar, deposed that Sarah Roe told her that she would have her at her wedding if she had nobody else. Also that deponent had heard Sarah's Aunt Peettar's wish her to have a care what she did, and not to marry him if she did not love him. "She also told her she had better breacke of now then after wards if she cold not loue him for that wold be a disgrace to her selue and to all her frends tow. do not you feare that saith Sarah I loue him well enough: . . . I hard Sarahs owne mother say to her Sarah have a care what you do: be sure you can loue him: if you can loue him tacke him: and do not say that I p'swaded you: its you that must liue wth him and n ot I: thearefor be sure you loue him and her moth^r was very searouse wth her." Sworn, June 23, 1673, before Daniel Denison.†

Samuell Hunt deposed that after Sarah Row was married he saw her in John Leigh's house, where he asked her for some oil. Leigh replied that the town had given liberty to a company of ugly fishermen to come into town, but they were not any better for their coming but a hundred pounds worse. Leigh was very angry and walking to and fro, the woman sitting in a chair before the fire, weeping, etc. Sworn in court.

* Writ, dated June 17, 1673, signed by Jonath. Negus,† for the court, and served by Rich. Wayte,† marshal, by attachment of the goods of Robert Orchard in Boston, also a house that he said was his own.

John Tod's bill of cost, 2li. 6s.

Mr. Orchard, a hatter in Boston, Dr., to five sheepe woole rugs, 9li. 14s.; to 17 yards of Blankitting at 4s. 6d. p yard, 3li. 16s. 6d.; to three barrells of beefe, 6li.; total, 19li. 10s. 6d. All this was delivered by his order by John Tod.

Returne Waite, aged about thirty years, deposed at Boston, 19 : 5 : 1673, concerning the debt. Sworn, June 19, 1673, before Anthony Stoddard,† commissioner.

Wm. Boynton, aged sixty eight years, deposed that about two years and a half ago he was employed by John Tod of Rowley to carry rugs and blanketing to Boston for the use of one Mr. Orchard, a hatter, which he delivered for his use at Mrs. Milum's near the old draw bridge, and took a shoemaker who lived by the bridge as a witness. Sworn, June 23, 1673, before Daniel Denison.†

† Autograph.

Wm. Goodhue v. Joseph Leigh. Trespass. Robt. Lord, sr., by the court's testimony from the desire of the plaintiff, was allowed attorney to prosecute this action.*

Letter of attorney, dated June 24, 1673, given by Robert Orchard,† of Boston, feltmaker, to John Williams of Boston. Wit: James Smith‡ and John Peach.‡ Sworn in court.

Benjamin Gibbs, aged about thirty-six years, deposed that in or about April 1671, he received into his warehouse three barrels of beef for Mr. Robert Orchard. After a little time he opened the barrels and found the contents bad, so that he gave a receipt accordingly for "stinking Carryon Beefe." Mr. Orchard being absent, and deponent seeing that the beef would not yield anything here, sent it to Jamaica by Mr. Elias Roe, who upon his return gave it "the like Carracter" as before, and declared that he could not get anything but a very low rate for it. But deponent having shipped off the beef without order from said Orchard, he was not willing to receive the produce thereof, wherefore very unwillingly deponent allowed him 20s. p barrel in goods at money price. Sworn, June 23, 1673, before Thomas Clark,‡ commissioner.

Benjamin Emons, aged about twenty-six years, deposed that he witnessed the delivery of the goods by William Boyington at the shop where sometimes Robert Orchard use to sell hats in. Sworn, 18 : 4 : 1673, before Anthony Stoddard,‡ commissioner.

* Writ: Dea. William Goodhue v. Joseph Leigh; trespass; for hoeing up ground and knocking off boards from his barn, thereby claiming title to his said land and barn; dated June 17, 1673; signed by Robert Lord,‡ for the court; and served by Phillip Foulter,‡ deputy for Robert Lord,‡ marshal of Ipswich.

Dea. Wm. Goodhue's bill of cost, 1li. 7s. 6d.

Copy of deed, dated Dec. 2, 1671, Nathaniel Browne of Ipswich, soapboiler, to Joseph Leigh, all his housing and land in Ipswich, his soap house, the house at the lime kiln and a piece of land adjoining the house in which he now lives, also a piece of land of six rods square which he bought of Samuell Younglove, lying at the southwest corner of said Younglove's pasture, facing the street upon the west side, and adjoining Goodman Younglove's upon the south side, and the other two sides. Wit: Peter Genings and John (his mark) Hunkins. Recorded, Mar. 21, 1672, among the records of lands for Essex at Ipswich, book 3, folio 249. Sworn, before Samuell Symonds and copy made by Hilliard Veren,‡ cleric.

Deed, dated Dec. 26, 1671, Samuel Younglove † of Ipswich, wheelwright, for 13li., to Nathaniell Browne, soap boiler, of Ipswich, a parcel of land six rods square at the southwest corner

† Autograph and seal.

‡ Autograph.

of said Samuel's pasture, and joining to old Goodman Younglove, upon the south side and joining to the said Samuell's on the east side and the north side, the which land the said Younglove has sold to Nathaniell Browne. Said Browne was to maintain a sufficient five-rail fence. Wit: John Pemberton* and Samuell Younglove.* Recorded, Mar. 19, 1672, among the records of the lands for Essex at Ipswich, book 3, folio 247, by Robert Lord,* recorder.

Deed, dated Apr. 1, 1673, Nathaniell Browne† of Ipswich, soapboiler, for 27li., to Deacon Wm. Goodhue of Ipswich, merchant, the land with the barn upon it, which land he lately purchased of Samuell Younglove, jr., containing six square rods, in Ipswich, on the south side of the river, it being a corner of said Younglove's pasture or house lot, bounded by the land of Samuell Younglove, sr., on the south, by the street along by the river on the west, and by land of said Samuell on the north and east. Wit: Robert Lord,* and Mary Lord.* Acknowledged, Apr. 1, 1673, by Nathaniell Browne, and by his wife Judith, who released her dower, before Daniel Denison.* Recorded, Apr. 1, 1673, among the records of lands for Essex at Ipswich, book 3, folio 252, by Robert Lord,* recorder.

Deed, dated Apr. 21, 1673, Samwill Younglove, jr.,† of Ipswich, wheelwright, to Nathaniell Browne of Ipswich, soapboiler, for 13li., the same property as under date of Dec. 26, 1671, the latter conveyance not having been legally acknowledged. Wit: Nathaniell Rust* and Joseph Jacob.* Acknowledged, Apr. 25, 1673, before Daniel Denison.* Recorded, Apr. 26, 1673, among the records of lands for Essex at Ipswich, book 3, folio 256, by Robert Lord,* recorder.

Thomas Sparke and Marey Willsonn, each aged about twenty-two years, deposed that Joseph Leigh threatened to sue their master William Goodhue, if he came upon the ground that he bought of Nathaniel Browne, etc. Sworn, June 23, 1673, before Daniel Denison.*

Samuel Younglove, sr. and his wife deposed that Nathaniel Browne gave William Goodhue, sr., possession before them, etc. Sworn, June 23, 1673, before Daniel Denison.*

Goody Younglove, sr., deposed that Joseph Leigh knocked off the boards of the barn and threw out things that were in the barn and said he would carry them away presently. Sworn, June 23, 1673, before Daniel Denison.*

Thomas Sparke deposed. Sworn, June 23, 1673, before Daniel Denison.*

Lydyah Yonglove, aged about thirty years, testified. Sworn, June 24, 1673, before Daniel Denison.*

* Autograph.

† Autograph and seal.

Selectmen of Lynn, in behalf of the inhabitants of the town v. John Ottowaye and Joseph Edmonds. Concerning title of land. Verdict for defendants.*

*Writ: Selectmen of Lynn, in behalf of the inhabitants of Line v. John Ottowaye and Joseph Edmonds; for the title of land adjoining to William Merriam's farm in Line bounds, containing about eighty acres, and for trespass contrary to town order; dated June 18, 1673; signed by John Fuller,† for the court; and served by Samuel Hartt,† deputy for Crispas Brewer,† constable of Lin, by attachment of the house and land of John Attaway and of the land of Joseph Edmons.

Bill of costs of defendants, lli. 19s. 2d.

John Otway's bill of costs, 14s. 6d.

Copy of a record of a town meeting in Lynn, held 15 : 12 : 1669, made, 21 : 4 : 1673, by Thomas Laughton,† cleric: "The selectmen had power giuen them by ye Towne to rectifie all ineroachments y^t appears unto them to bee ineroachments and ye Towne was to satisfy them for all their trouble & expences both of estats and time they did expend aboute the sd ineroachments & alsoe to runn ye Lines between pticuler mens land and the Townes comon."

Copy of a record of a town meeting in Lynn, held 29 : 10 : 1670, made, 21 : 4 : 1673, by Thomas Laughton,† cleric: "The Towne expressed themseulfes by vote yt in yt order wherein they gaue power to ye selectmen to rectifie ineroachments as did Appeare unto them soe: Alsoe that any pson that did transgresse therein the selectmen had power giuen them & haue by ye Towne to prosecute against such pson or psons to effect."

Copy of indenture made Nov. 10, 1657, but signed May 1, 1658, between Samuell (his mark) Bennett of Boston, yeoman, and John Otway of Boston, husbandman. Bennett sold to Otway, for 15li., a parcel of land partly in Boston and partly in Lyn, bounded by a brook on the south, land of William Merriam and the lands sometime in the tenure of Capt. Robert Bridges and now in the tenure of Leift. Thomas Marshall on the north, by a meadow on the east and by a stake set by the side of a gutter on the west. Wit: Ben. Gillum, Danll. Turill and Will. Pearce. Acknowledged, 26 : 3 : 1658, before Humphry Atherton. Recorded in book 3, page 160, May 31, 1658, by Edward Rawson, recorder.

Copy of letter of attorney, dated June 18, 1673, from the selectmen of the town of Lynn to Andrew Mansfeild and Thomas Newhall, jr. Copy made by Thomas Laughton,† cleric.

Copy of a record of a town meeting in Lynn, held 20 : 3 : 1673, made, 26 : 3 : 1673, by Thomas Laughton,† cleric: "It was

† Autograph.

ordered yt Joseph Armitage serg^t Andrew mansfeild & Thomas Newhall, Junior should goe & lay out those tow ten Acre Lots which Joseph Armitage sold unto Samuell Bennett lyinge neere unto william mirriams farme and what wood they find cut thereabouts by any pson or psons off the Towne comon they are to sease upon it for ye Towns use as alsoe to see the bounds of yt peece of Land william mirriam hath sold to Joseph Edmonds off his farme & to stake it out from the Townes comon for w^{ch} worke they are to be satisfied by the Towne."

Copy of a record of a town meeting in Lynn, held 15 : 3 : 1671, made, 23 : 4 : 1673, by Thomas Laughton,* cleric: "It was voted & Agreed yt noe pson or psons whatsoever shall fall or cause to be fallen any timber tree or trees or any small wood upon ye Towne comon unlesse it bee for an oxe bow or goad without leaue from tow of thos men whom ye Towne haue Appoynted upon the penalty of payinge ten shillings a tree either small or great as hee or they shall fall without leaue & all such as haue leaue giuen them they shall take only the timber away and shall not take away ye Top or tops of such tree or trees but they shalbe free for any of y^e Inhabitants to make use of for their fire in six months time but if non of ye Inhabitants doe not make use of ye top or tops of tree or trees within six mounths then such pson or psons that felled the s^d tree or trees shall carry away ye s^d top or tops of tree or trees within one yeare after they haue fallen them upon the penalty of payinge ten shillings for every such top or tops as shalbe found upon ye comon left by him or them one halfe to ye informer & the other halfe for ye Townes use: And ye men Appoynted to giue leaue is Henry collins senior Henry Silsbey Thomas Farrer william Bassett Allen Bread senior William craufts Robert Burges Natha. Kirtland Edward Baker & william mirriam."

Copy of a record of a town meeting in Lynn, held 15 : 3 : 1671, made, 23 : 4 : 1673, by Thomas Laughton,* cleric: "It was voted & Agreed yt noe pson or psons whatsoever shall fall or top or caused to be falled or topped any greene tree or trees for firewood either directly or indirectly upon ye Towne comon upon the penalty of payinge ten shillings a tree or trees for every such tree soe fallen fise shillings to ye informer & fise shillings for the Towns use & this order to stand in force for one yeare."

Copy of a record of a town meeting in Lynn, held 16 : 2 : 1672, made, 23 : 4 : 1673, by Thomas Laughton,* cleric: "It was voted & agreed y^t y^e same orders w^{ch} was made ye last year w^{ch} phibits ye fallinge of any green wood for firewood & any small wood or any timber without leaue from ye psons appoynted for ye same end should stand in force this yeare. alsoe except thos y^t shall cut any topes yt is fallen by psons wch haue leaue graunted unto them to fall timber & they are to cut up ye whole

* Autograph.

top or tops upon the penalty of payinge ten shilings for euery top yt they shall leaue any part of it w^{ch} they haue cut part off it And Robert Burges & william Bassett Robert Potter & Samuell Johnson are chossen to giue leaue to fall timber & haue the same power ye psons had ye last year to take the fines of such as shall trangresse any of the orders as alsoe to pay ye same fine ye overseers wer ye last yeare if they shall neglect their office hearin."

Andrew Mansfeld, aged about fifty-two years, testified that he, Joseph Armitage and Thomas Newhall, being impowered by the selectmen, viewed the land which John Ottawaye claimed he bought of Samll. Bennitt. They understood that there were but two ten acre lots granted there, which they were to measure out, near William Merriam's land, and to see what wood might be cut upon the rest of that land, as upon the town common. Attawaye showed them the 100 acres and his deed from Samll. Benett, and they laid out the two ten acre lots and seized about eight great oaks which they found fallen there, which were about a quarter of a mile from the ten acre lots. Said Attawaye owned that he gave Joseph Edmonds order to fell them, and said the town should have none of that land unless they could get it by law. Tho. Newhall, jr., testified to the same. Sworn in court.

Samll. Hart, aged fifty-two years, testified that the land in controversy was in the township of Lynn. Sworn in court.

Copy of a record from the town book of Lynn, made 10 : 4 : 1673, by Thomas Laughton,* clerie: "This 13th of May 1662 Articles of Agreement betwene Samuell Benett in Behalfe of Boston selectmen of ye one part & ye selectmen of Lyn of ye other part (viz) to settle y^e Bounds Between our Townes as followeth That wee doe agree to measure from ye middle of Brides Brooke where y^e foot path now goeth upon a square or streight line to maulden line & soe to runn up maulden line till we com to ye length of either of ye three last stations of m^r fishers line & from ye sd place of maulden line to runn upon a straight line or a square line downe to ye sd line of m^r fishers if it Bee within three or foure poles of ye Breadth Between Brides Brooke & maulden line or if it bee not then to make yt station to bee within three or foure poles of ye Breadth aforesd att Brides Brooke & there to make a certaine station & an abidinge marke & from yt station to runn upon a streight line to Brides Brooke aforesd & accordinge to thesse tow stations to runn till wee com over agst John pooles mill or as farr as Boston & Lyns lands ioyne & this to bee our Certaine standing bounds betweene our Townes: if ye selectmen of Boston consent heare unto & samuell Bennett doth in behalfe of Boston selectmen make choyse of Leift: fisher to runn thesse lines accordinge to ye pmeses if they

* Autograph.

Joseph Armitage v. Richard Hood. Nonsuited.*

Joseph Armitage, attorney and assignee of Samuell Bennett v. Capt. Tho. Savage. Nonsuited.†

John Dodg v. Jno. Procter and Joseph and Benjamin Procter, executors of the will of Jno. Procter, deceased. The jury found that if the father's personal promise upon marriage bound the executors, a verdict for plaintiff, otherwise for the defendant.‡

accept of it & to be done in a mounths time as witnesse our hands ye day & yeare aboue righten & it is alsoe agreed yt the charge of ye Artice shalbe equally paid betweene the Townes." Signed May 15, 1662, by Thomas Marshall, Thomas Laughton, John Hathorne and Samuell Bennett. The selectmen of Boston, by Hezekiah Usher, recorder, confirmed the foregoing articles, May 16, 1662, providing the town of Lyn and Samuell Bennett free Boston from any further charge in running the line.

Joseph Armitage, aged upward of sixty years, deposed that some years since he bought of Mihill and Jarrerd Spenser two ten acre lots lying in a neck of land near William Merriam's farm, which he sold to Samll. Bennitt, and when he gave possession, deponent understood he had sold them to John Attawaye, etc. Sworn in court.

*Joseph Armitage v. Richard Hood; for trespassing and living upon his land and paying him no rent; dated June 18, 1673; signed by John Fuller,§ for the court; and served by Samuell Hartt,§ deputy for Chrispas Brewer,§ constable of Linne. Bond of Richard (his mark) Hood.

Richard Hood's bill of cost, 16s.

Letter of attorney, dated Salem, June 25, 1673, given by Richard (his mark) Hood|| of Linn to John Joyliffe of Bostone. Wit: Ele. Hathorne,§ John Hathorne§ and Wm. Bowditch.§ Sworn in court.

†Writ: Joseph Armitage, attorney and assignee of Samuell Benitt v. Capt. Thomas Savage; for 100li. assigned by said Benitt with forbearance, and 80li. more with forbearance, all being ordered by a special court at Boston for said Savage to pay the workmen's wages belonging to the Iron works, said Benitt building a great part of the said works, and so commonly employed until Savage took them away; signed by John Fuller,§ for the court; and served by Samuell Hartt,§ deputy for Chrispas Brewer,§ constable of Linn, by attachment of land of defendant at the Iron works.

Thomas Savage's§ bill of cost, 20s.

‡Writ, dated 14 : 4 : 1673, signed by Hilliard Veren,§ for the court; and served by Henry Skerry,§ marshal of Salem, by

§ Autograph.

|| Seal.

Lt. Samll. Ward v. Hugh Allerd. Debt. Defaulted. Jury found for the plaintiff.*

Ezekiell Woodward v. Abner Ordway. Debt. Withdrawn.†

John Roberts v. Robt. Dutch. Debt. Verdict for defendant.‡

attachment of a cider mill, two chests and a box belonging to defendant.

Nathaniell Puttman deposed that John Prockter told him that whatever his father had promised his brother-in-law, John Dodge, at the marriage with his sister as her portion, if said Dodge proved it unpaid, he would pay it without suit.

John West, aged about fifty-eight years, deposed that being present when William Dodg, sr. and John Procter, sr., made up the match between John Dodg and Sarah Procter, son and daughter of Dodg and Procter, said William Dodg promised to give a parcel of land with his son John, and said Procter engaged to give 40li. with his daughter Sarah. Dodg further said "Notwithstanding what is Giuen: what shall thess young beginners do for housshould stuff," and deponent proposed that Dodge should give his son John 10li. and Procter should give his daughter 5li. to be paid at the merchant's, to which proposition they both agreed. Sworn in court.

Abigail Varney, aged about thirty years, deposed that she heard her father say to her mother that he had promised at the making up of the match between her brother Dodge and her sister Sarah, his wife, to give his daughter 45li., five pounds of which was for household stuff but that her mother Prockter said that she was not willing that the five pounds should be paid at that time. Sworn, June 17, 1673, before Daniel Denison.§

* Writ, dated June 21, 1673, signed by Robert Lord,§ for the court, and served by Robert Lord,§ marshal of Ipswich. Bond of Hugh Allward,§ Tho. (his mark) Borm[a]n, surety.

Bond, dated Mar. 16, 1671-2, Hugh Allward§ of the Ils of Sholls to Samll. Ward of Marblhead, for 3li. 10s. in merchantable dried cod fish to be delivered at Marblhead. Wit: Samuel Redd§ and Richard Reith.§ Sworn by the witnesses, June 25, 1673, before Daniel Denison.§

† Writ, dated 6 : 2 : 1673, signed by Tho. Fiske,§ for the court, and served by Robert Lord,§ marshal of Ipswich, by attachment of a feather bed and a green rug.

‡ Writ, dated May 19, 1673, signed by Robert Lord,§ for the court, and served by attachment of a barn and the land about it.

Bond, dated Mar. 14, 1671-2, Robert (his mark) Duch of Ipswich, mariner, to John Roberts, for 4li. 4s. in sterling money of New England. Wit: John Barry§ and Hannah (her mark) Duch.

§ Autograph.

Hen. Leonard v. Ambross Makefashion and John Ramsdell.
Non-performance of covenant. Verdict for plaintiff.*

Hen. Leonard v. Edmond Bridges, jr. Debt. Withdrawn.

Robert Lord, marshal, aged about forty years, deposed that Goody Dutch and her daughter Hanah said that they were cheated if the bill were a double bill, for his attachment was for 8li. 4s., while the bond was for 4li. 4s. Deponent testified also that the mark R which said Duch used was his usual mark. Sworn in court.

* Writ, dated 16 : 4 : 1673, signed by Hilliard Veren,† for the court, and served by Nathaniell Ball,† constable of Concord.

Account of damage sustained in not coaling the wood the past summer for Mr. Henrie Leonard, according to covenant: for 20 Load of Brands sent in amongst Coles, 6li.; cutting of wood that is not coled, 3li. 10s.; wood at ye stump at 4d. per cord, 11s. 1d.; brands left in the woods which would have made a load of Coles, 2li. 8s.; for a month's rent that I was forced to lie still for want of the coles, 16li.; for 3 hands lieing still 4 weeks at 2s. 6d. per day, 9li.; 3 hands lieing still 4 weeks at 3s. per day, 10li. 16s.; my owne time a month at 5s. per day, 6li.

Agreement, dated May 7, 1672, between Mr. Henry Lenard on one part and Ambros (his mark) Mackfation and John (his mark) Ramsdell, on the other part, the two latter agreeing to coal all the old wood and the new that shall be cut and taken in this year, for 6s. per load, each load to contain 12 quarters at the pits, to be paid in goods or bar iron, whichever they need the most, and five pounds to be paid in bar iron at money price, that is, 18s. per hundred. Said Lenard agreed to provide for them such goods as they shall stand in need of to pay workmen to carry on the work, and to pay the whole within three weeks after the last load of coals is at the coal house, and the last of the wood to be delivered to Mackfation and Ramsdell some time in June next. Wit: Anthoney (his mark) Carrell and James Hanscombe.† Owned in court by Ambros Mackfation.

Copy of the foregoing agreement signed by Henry (his mark) Leonard, made by Robert Lord,† cleric.

William Doule, aged about thirty-two years, deposed that he heard Henry Leonard say that the colliers had coaled all the wood, etc. Sworn in court.

James Car deposed. Sworn in court.

Samuell and Nathaniell Leonard deposed that Mackfation and Ramsdell left of the old and new wood about thirty or forty cords, etc. Sworn in court.

Henry Lenard's bill of cost, 4li. 6d.

† Autograph.

Jon. Roades v. Hen. Trivett. Debt. Withdrawn.*

Mr. Phillip Cromwell v. Hen. Leonard. Debt. Withdrawn.

Cases heard before the Worshipfull Major Daniell Denison and Mr. Tho. Danfort:

John Ballord was sworn constable for Lynn.†

Ed. Bridges, sr. and Ed. Bridges acknowledged judgment to Adam Westgate, to be paid in beef, pork, wheat, malt and Indian corn.

William Reeves acknowledged judgment to Timothy Lindall in cod fish at current price upon Winter Island.

Hen. Leonard, sr., acknowledged judgment to Mr. Robt. Paine in bar iron.

Hen. Leonard, sr., acknowledged judgment to Mr. William Browne, sr., in bar iron and money.

Thomas Russell acknowledged judgment to Mr. Hen. Bartholmew in fish.

Hen. Leonard acknowledged judgment to Jno. Goold in bar iron.

Richard Braybrooke was released from common training, paying one bushel of Indian corn per annum to the use of the company.

Lott Killum acknowledged judgment to Capt. George Corwin.

Mr. Oliver Purchas acknowledged judgment to Mr. Edmond Batter in bar iron.

Hen. Leonard acknowledged judgment to the Worshipful Major Daniell Denison, in bar iron.

Johana Towne was appointed administratrix of the estate of Wm. Towne, her late husband, and was to bring in an inventory to the next Ipswich court.

Administration upon the estate of Jacob Barney, deceased, was granted to Eliza, the widow, and to Jacob, the son, who were to bring in an inventory to the next Ipswich court.

* Writ: John Roads, sr. v. Henery Trevett; debt; dated June 3, 1673; signed by Moses Mavericke,‡ for the court; and served by Robart Bartlett,‡ constable of Marblehead, by attachment of fish of defendant.

† Copy of a record of a town meeting in Lyn, held 20 : 4 : 1673, when William Craufts and John Ballard were chosen constables for the ensuing year. Copy made, 21 : 4 : 1673, by Thomas Laughton,‡ cleric.

‡ Autograph.

Benjamin Parmiter and Mr. John Hathorne of Lyn had their former licenses renewed for the ensuing year.*

Mr. John Hathorne was appointed administrator of the estate of his son John, who died in the service of Richard Cutts, and was to bring in an inventory to the next Salem court.

Richard Norman had his license renewed for the ensuing year upon condition that he observe the law concerning brewing of beer.

Mr. John Higenson, Mr. John Turner, Mr. Moses Maverick, Mr. John Gedney, Mr. Wm. Browne, jr., Mr. John Corwin and Tho. Baily had their several licenses renewed for retailing strong water.

Mr. Jos. Gardner, Goodman Edmond and Mr. Latamore had their licenses renewed for keeping an ordinary.

The selectmen of Ipswich made complaint of two men, namely, Wm. Nelson and Lewis Laport, who came into their town and there remained against the mind and order of the town, notwithstanding they have been warned to leave, and according as the law provides have made their address to this court in the said case.†

In the complaint of John Godfery v. George Hadly, court considering the case of illegal proceedings of the marshal's deputy, ordered that what had been done by said Clearke, the marshal's deputy, in levying two executions on Hadly for Godfery, be void, and that said Godfery have liberty to take out new executions.

Jon. Tod of Rowly was appointed administrator of the estate of Steephen Foard of the Isle of Shoales and was ordered to bring in an inventory to the next Ipswich court.‡

*Approbation, dated Lyn, 23 : 4 : 1673, of the selectmen, Rich. Walker,§ Thomas Laughton,§ Edward Baker,§ Andrew Mansfield, Nathanill Kirtland,§ William Bassett§ and William Merriam.§

†Complaint, dated June 19, 1673, from the selectmen of Ipswich, George Giddinge,§ John Whipple§ and John Denison,§ also Samuel Symonds,§ Dep. Gov., and Nath. Wells.§ Robert Lord was appointed to prosecute.

‡John Tod's petition states that Foard had been dead above two years, and was indebted to him for 30li. He left a chest, with "some little matter in it."

§ Autograph.

Hen. Hall, complaining against William Reeves and Georg Cross for abusing him upon the highway and beating him, to the great injury of his health, said Reeves and Cross were fined and ordered to be whipped.*

*Henery Hall's† petition to the court, he being "not able to prosecute a case in law makes bold to address himselfe to this honnerd Court: as his next help &: refuge under God: In January last about eight of the Clocke in the night I was desired to goe a Litle way with a woman goeing to her husband because she was fearfull: I went with intent to bring her part of the way till she came to a path nere her house. [we] had not gon far: till two men of salem one horse Backe [over] tooke us: the[y] alighted gott hold of the woman and said she should [go] with them: she cried out Intreated them to let her alone: that she might goe to her husband: they said she should goe with them... her husband was but a Cloake: then I Intreated them to let the woman alone that she might goe to her husband: soe they fell one me and beate me very much: I thought they would kill me I cried out a loud: till I could cry noe more for they had almost strangled me but by y^e providence of God two or three were nere: which I knew not of: by a Cow that was mired [to] whom they carried meat at that time: soe they came and rescued [me so] that I had my life but haue been ill for y^e most part ever since and not able to work as before and spitt bloud long after when they sett one me I had an axe one my shoulder wherewith I wrought which they tooke from me. after I was rescued looking for my axx saw something shine I thought it was my axe for the moone shun Bright, but when I took it up it was a naked knife whereby I did Conceiue y^t they did intend to kill me had not God by his providence prevented it." The witnesses to the assault were James Dennis, Marie Dennis and John Norman.

James Dennis, aged about thirty years, testified that he was going into the woods with his servant to look for a cow, etc. The woman with Hall ran behind deponent's wife for shelter, and said Dennis rescued her, etc. Sworn in court.

Sarah Crocker, aged about thirty-one years, testified that last April, Henry Hall lay at her house very weak and kept his bed for a fortnight, and she thought every night that he would not live. He said there was no part of his body free from pain, but most of it was in his back or stomach, and he also spit blood. Sworn in court.

Rebecca Banfield, aged about thirty-two years, deposed that she was asked by the woman where Hall lay to administer to him something to do him good, but she found him so bad that she was afraid to meddle with him, etc. Sworn in court.

† Autograph.

Nathaniell Clearke was formerly put to John Traske of Salem with intent to bind him as apprentice until he reached the age of twenty-one years, but his father dying before indentures were completed, court ordered that said Cleark dwell with said Trask after the manner of an apprentice, be taught the trade of a cooper, to read, write and cipher, etc.

Upon information by several of Lyn and Marblehead that there is a better way found out between Lynn and Marblehead, than the late laid out common way, court appointed Mr. Edmond Batter, Mr. Hen. Bartholl. of Salem, Mr. Moses Maverick and Lt. Ward of Marblehead and Mr. Leighton of Lynn to take a view of both ways, and to make return to the next Salem court which way be most convenient, for the court to determine. The committee was ordered to bring in what charge Mr. Ralph King had been at about the former way.

Nathaniell Cleark of Newbury had license granted to kill and save sturgeon.

Mr. Knight, who occasioned warrants to be issued for this court to summon such as draw wine and beer, and several appearing, they were allowed charges, namely, Mr. Perkins, of Ipswich, Mr. Jno. Gedney and Mr. Joseph Gardner.

Samuell Steevens was allowed 12s. and Antho. Needham 8s. in money, for their pains in going to Boston and Andever with letters from the court.

Servants of Mr. Gardner's house were allowed 9s. 6d., and Mr. Gedneyes, the same.

To the servant of the house where Mr. Danforth lodged, 3s., and for his horse, allowed the bellringer 3s.

Will* and inventory of Will. Lord, deceased, were proved and allowed.

Henry Hall's bill of cost, 13s. 2d.

Joseph Emones deposed that coming from Marblehead about nine o'clock, he heard the noise, etc.

*Will of William (his mark) Lord, sr.,† of Salem, cutler, "being ancient," dated Mar. 2, 1668: "Imprimis, I giue vnto Abigal my beloued wife (when all my iust debts are paid) my whole Estate, that God hath given me in this world, that I shall be possessed of at y^e time of my decease, that is to say all my houseing, and lands whatsoever, shall after my decease, if she survive me, be to the use & behoofe of my said wife, the tyme of her

† Seal.

John Gillow's will * and inventory were proved and allowed.

naturall life & all the rest of my Estate, I giue to my said wife, her heyres and assignes for euer, Except some Legacies afterward exprest And my will is that my said wife, so long as she remaines a widdow, and vnmarried, shall haue free liberty & full power to make sale of any part or parcel of my said houses & lands, for her necessary use, provided it be with the aduice of the Ouerseers of this my Will, (who are underneath Exprest or Implied,) but in case my said wife shall marry any other man, that after such tyme of marriage, shee shall haue noe power to sell any part or parcell of the aboue said houses & lands, that are then unsold. And further, my will is, that Abigal my said wife, shall haue power to dispose of all my said houseing & lands, that shall then remaine Unsold at y^e tyme of her decease, provided it be amongst y^e Children of William Lord my kinsman, who, my will is, shall after my said wiues decease inioy y^e same, according to my said wiues will & discretion, deuiding amongst them, onely my kinsmans sonne William, & daughter Abigal, shall haue each y^e better portion or part.

"Item, I giue vnto M^{rs} Felton, widdow, twenty shillings, and to M^r Joseph Grafton, senior, and Richard Prince, each of them a horse or mare fold of two yeares old, to be paid them at my decease. Lastly, I doe Appoint Abigal my said wife, to be sole Executrix of this my last will & testament, & y^e said Joseph Grafton & Richard Prince to be Ouerseers, to whom I Committ y^e Care and ouersight of y^e fullfilling this my will & in Case either of these my || two || frends should decease before my said wife, then she shall haue power to appoint one or more in his or their roome." Wit: John Rucke,† Edw. Norice† and John Cole.† Allowed in court, upon oath of Mr. Edward Norrice and Mr. John Ruck made before Worshipfull Major Daniell Denison and Mr. Tho. Danforth, Esqrs.

Inventory of the estate of Willyam Lord, sr., of Salem, presented, upon oath, by Abigaile Lord, the widow, and allowed: Dwelling house with the ground & range of houses Adjoyning, 15li.; dwelling house near the dwelling that the widow now dwells in, 40li.; 1 dwelling house by the water sid, 35li.; fower Acres of bastard marsh, 40li.; fower meares, 12li.; 2 Cowes, 6li.; one bed with furniture, 6li.; one table, six platters & other utensils, 3li.; on small trunke with Lining, 3li.; 2 beds & furniture, 3li.; in the shop & two Cittells, 3li. 10s.; 1 shot, 10s.; in debts, 55li.; total, 357li.; debts due from several men to y^e estate, 10li.; debts to be paid, 20li.

* Will of John Gillow ‡ of Lyn, dated Feb. 20, 1672, and proved upon oath of Robert Potter and Tho. Newell: "I Bequeth onto my louinge wife all my part of howesall goods and all my Cattell

† Autograph.

‡ Autograph and seal.

with the produse of all my housinge and lands and medowe for the Bringin up of my Children ontell thaye Come of adge I Bequeth onto my son John all my howsings lands and medowe which is that hallfe that my mother gaue me of my fathers estate and my son John to haue it when that he Cometh of adge: and he payinge onto my daughter mary and to my daughter Sarah thare portions: and my wife now beinge with Childe that Childe to haue a equall share with my daughters and if it be a son then to haue his portion in land: my eldest son John is to haue a dubell porshon and the Rest of my estate to be equally deuided betwene my other Children: and if aney of my Children dye befoare that thaye Come of adge then thare parts to be equalley deuided betwene the liuinge: all so if my wife Remaine a widowe ontell my son John Com of adge then she is to haue on end of my howse and the Thards of my lands dueringe her widow whood.

“and if the produse of my estate will not be sofishant to bringe up my Children then thoase as are the ouerseers of my will haue libortey to sell som parte of my lands or medows for the bringin up of my Children And if aney other estate doth fall onto me by Inheritance or other wise I giue that onto my Children: my eldest son hauinge a dubell portion the other equall shares: And if my father or mother ether haue made a will or shall make a will and give thare hallfe parte of the liuinge || as I liue in || onto my son John: then my will is that that hallfe parte of the liuinge as my mother gaue me: that as is not spent of it in bringin up my Children shall be equally deuided betwene my other Children: this to be understode my son John is to haue the howsinge lands and medows payinge the rest of my Children thare portions but if || that as || my wife is with Childe if be a son he is to haue his portion in land: and medowe: All so I doe make my wife my execetriks:— Allso I doe apointe and make my frends Robart Burgis Thomas Newhall and Robart Potter to be ouerseers of this my will.” Wit: Robart (his mark) Burgis, Robart Potter* and Thomas Newhall.*

Inventory of the estate of John Gillow, taken, Mar. 19, 1672-3, by John Fuller* and Richard Moore,* and allowed upon oath of Sarah, the relict, who declared that one-half of the estate in house and land was her husband's and the other half her husband's father's: Wearing aparrill, 4li. 10s.; a Fether bed and bolster and thre pillows, 3li. 10s.; Feather Bed and bolster and pillow with thre blankitts, 3li. 10s.; other beding, 1li. 15s.; sheets and other Linins, 2li.; pewtor and Tine things, 8s.; iron potts and ketles and a trammill, 1li. 16s.; bybells and other books, 1li. 5s.; tow bedsteads, a trundelbed and coppered table; on weavers loam and slays and Harnis and warpping bars, 2li. 14s.; Chests and boxces and a little trunek, 1li.; A muskitt and sword and Amunition, 14s.; A still, 10s.; pare of stilliards and spitts, 12s.;

* Autograph.

Phineas Fisk's will* and inventory were proved and allowed.

Will† and inventory of An Burt were allowed, and William Bassett was appointed administrator.

a pair of tongs, a fier shovell, a Drauft chayn, 7s. 6d.; sett of Hopps, and clever and pin, 9s. 6d.; warming pan and a spitt, 8s.; sett of cast boxes and to ex pins, 12s., an Iron Ringer, 5s.; one ould plowshare, 2s.; a parcell of barrills and ould Chaiers and other ould Lumber, 18s.; fowr cows and tow Calfs, 13li. 10s.; six sheep and tow lambs, 3li.; a mare and Coult, 3li.; tow Soves and tow shoots, 2li.; one thousand of shingalls and halff a hundred of boards, 14s.; pare of Scoals and wayt and thre Spones and broaken Silver Spones, 11s.; A dwelling House and Barn, 40li.; Thirty Akers or ther abouts of oupland, 120li.; six Akers of oupland and Medow Att the bridg Foot, 24li.; twenty Akers of salt march and Fresh medow, 80li.; An orchard and land it stands upon and the yard about the dwelling Hows, 30li.; total, 346li. 11s.; debts due, 4li. 7s.; debts due from the estate, 5li. 12s.

* Will of Phineas (his mark) Fiske, dated 6 : 1 : 1673, and proved by Samuell Fisk and Hana Walden: "Imprimis I Giue to || my || Son James Fiske the one halfe of my howse & Lands & the other halfe to my other two s[ons] — & Thomas to be deuided Betwixt them by eaq[ual] portions & for my Chatle Goods I giue || it || to my three Sons abouesd to be equally Deuided Betwixt them ex[cept] my Greate Bible which I giue to Samuell Fiske (my Nephew) & my Best pillow & pillow beere to Mara Fiske: & I doe appointe my two sons John & Thomas execet's to this my will." Wit: Samwel Fiske† and Hanah (her mark) Walden.

Inventory of the estate of Phinehas Fiske of Wenham, deceased, 7 : 2 : 1673, taken by Richard Huttn† and Mark Batchelder:† the homestead, 105li.; 50 Akres of Land in the woods, 62li. 10s.; 12 Akres 1-2 of medow, 25li.; Catle, 9li. 10s.; weareing Cloathes, 3li. 3s. 6d.; one Mault mill, 12s.; one Mustard Mill, 2s. 6d.; pott & pothooks, 10s.; one Bras kettle, 8s.; one Warming pan & towe Combe, 6s. 6d.; two old Skillits, 2s. 6d.; one fryeing pan & gridiron, 5s.; scales & waits & some other lumber, 4s. 6d.; keelers & other Wooding ware, 13s.; pewter, 12s. 6d.; Cubbard & Chairs, 8s.; one pitchforke, 1li. 8s.; Table, Chest & Joynd Stoole, 16s.; one Pillowe & pillowe beere, 6s.; one Bowlster & 3 pillows more, 17s.; one chest & sawe & Rawe hide, 10s. 6d.; Curtains, 18s.; one bedstead; & bed Coard, 12s.; one bowlster & bed matt, 3s. 4d.; one spit & Tramell & howe, 8s.; debts, 10s.; total, 214li. 10s. 6d.; debts due from the estate, 7li. 19s. 3d.; to John Fiske, 10s.

† Will of An (her mark) Bort, dated Jan. 8, 1664: "My Wil

† Autograph.

Robert Morgaine's will* and inventory were proved and allowed.

is that Willyam Bassit Juner should haue won of my kowes and John bassit should haue Won Cowe and Elisha bassit should haue Won kowe and that samewell bassit should haue the steare And it is my will that theas Children || should haue || the proffit of theas Cattell and the prinsepell when they be eighttene yeares ould and i giue to Elizebeth basset a new feather bed A boulster and a pillow and a pillow beare A blankit and a Rouge and i giue to Sarah bassit my ould feather bed a boulster and pillow and A pillow beare A blankit and A tapsterri Couering and i giue to meriam bassit A Copper ketel, A tabel Cloth and half A doson of napkins and a ew shep, han touel and I giue to mary bassit my bigest eiorn pot a long tabel Cloth and four napkins and a han touel, a ew shep And I giue to hannah bassit tow eiorn pots and a warmin pan and a pare of shetes and a pare of pillow bears and a ew shep.

"And i giue to ellin bartrom A ew lam and to hanna battrom an ew lam and I giue to the wife of Willyam bartrom my black brodeloth sute and one puter basson and i giue to liddi Burrill fiue shillens or a ew lam and my will is that ther goodes should not be ewsed till the Childerren doth reseaeu them & that these gearls should haue the proffit of theas shep & the prinsepel when thay com to age." Wit: Francis Burrill† and William Crofts.† "I doe desier my Brother Francis burrill and good man Craft would see that this my wil be fulfilled."

Inventory of the estate of Anne Burt, taken Mar. 18, 1672-3, by William Crofts† and Francis Burrill:† one petecot & wastcott, 1li. 10s.; the Remene of her wooling aperill, 5li. 12s.; too fether Beds, too Boulsters, too Pillos, three Blankits, one tapeistre Coverin, 2li. 18s.; more weareing aparill, 1li. 6s.; too cortings, 8s.; one Bibil; & one other Booke, 6s.; fiue peare of shets & one sheet, 3li. 11s.; a table Cloth & 8 napkins, 1li.; three pillobeares & other small things, 7s.; three shifts, 8s.; small linin, 2li. 10s. 7d.; peuter & tin, 2d.; Bras & Iron, 2li. 18s.; too yeards of Peniston, 8s.; 3 Chists, too boxes, one trunk, 1li.; too wheeles, too cheirs & other lumber, 1li.; one couw, 3li.; ten shep, 5li.; sillver, 2li. 10s.; due to her, 3li.; total, 47li. 2s. 6d.

* Will of Robert Morgan, § dated Oct. 14, 1672, and proved by William Reeves and John Trask, who made oath before Maj. Danll. Denison and Mr. Tho. Danforth: "I giue unto my deer wife Marget all my neat cattle sheep & moovables to be wholly hers as allso ye house I now dwell in with all the land adjoyning to it as tillage land, orchards, pasture & hay pound I give to her use during her life yet so y^t if any of my children to whome I give ye propriety of ye said lands after her decease shall desier

† Autograph.

§ Autograph and seal.

Tho. Coldum's will* and inventory were proved and allowed, and Tho. Coldum and Richard Whitney were appointed administrators, there being no executors mentioned in the will.

it they may have their portions layd out & liberty to build thereon for their habitation during my wives life.

"Item I give my sonne Samuell that twelve acres of land at Manchester w^{ch} my wives father Norman give unto her in ye great plaine & allso eight acres I had of the towne at Long hill & my old mare these I give my sonne Samuell in consideration of his paying my debts. my other horse kinde I give as before I disposed one colt to Benjamin, a mare to Robert & another to Bethea. Item I give my sonne Samuell five acres of the land. adjoyning to my house after my wives decease, w^{ch} shall lye from the high way to ye water side next to Thomas Roots his land Item I giue my sonne Joseph fower acres of land adjoyning to Samuells from the bottome to ye top. Item I give my son Benjamin three acres of land to lye next Josephs from the bottome to ye top, yet so as to take in just so much of the west end of the house as hee was at charges to build & part of ye little orchard next the dore, w^{ch} orchard shall bee devided between Joseph & Benjamin.

"Item I giue unto my wife & Daughter Bethia together & to the longest liver of them the rest of my now dwelling house wth ye pasture land adjoyning w^{ch} is above the country highway, abutting upon Mr Hales lande & the rest of my lande I give unto my sonns Robert and Moses to bee divided between them equally Allso my will is that what housholde-stuff shall bee left at my wives decease shall bee given to Bethia if she shall survive her mother farther my will is that if any of my sonns to whome I have given lande shall dye before their mother, yet the lande shall descende to theire heires at my wives decease Allso I make my sonne Samuell my sole executor of this my last will and Testament. And Desier my loving freinds Ensigne Corning and John Stone to bee overseers of this my last will."

Inventory of the estate of Robert Morgan, taken Dec. 10, 1672, by John Galley† and Thomas Pickton:† twenty akers of land with the hous and orchard, 160li.; 4 kous, 12li.; 2 steers, 6li. 10s.; 1 old mare, 2li.; 1 mare and 3 coultis, 6li.; 6 swine, 2li.; 8 Akers of land at Longe hill, 8li.; 3 shep, 1li. 4s.; goods in the house and plow taklen, 12li.; pork and barly, Engan corne and heay, 10li.; total, 219li. 14s.

* Will of Thomas Coldum,† dated Mar. 10, 1672, and proved by Rich. Haven, sr. and jr.: "I give unto my Cosin Sara: Horte: my Chest with all ye mony excep that w^{ch} shall satisfie ye doctor & other expences duering my sienes: & all my eiern ware: as

† Autograph.

William Charles's will* and inventory were proved and allowed.

pot & Cettel & fier pane & tongs & andierns & trammials & a small mortar of Iron: my mening is y^t all but ye eiern war was to be payd at p^{se}nt: I give unto my sisters whitnise Childerens all my wering Cloaths: I give unto my sister whitny my horse & 2 shep & 2 lames: I give unto hir all yt is due unto me in M^r Purchhis booke wich is five pownd or thear abouths: I give unto my loving mother twoe yards of Doulas & my demmy Caster hatt: I give two shirts of dowles one to my sister whitny & y^e other unto my Cosin Sara Hort I give unto my honnered father twoe buralls of sider with all my dets yt are due unto me: as namly twelve shilings due from Rob Ingalls senior from good Farre eaight shillings eaight pence from beniamine Chadwell twelve shillings fr. Rich. Moare & John More eaight shilings further I give unto my Cosin Sarah harte eaightene shilings weh is due unto me from Ealie giles of Salame." Wit: Rich. Haven, senior† and Richard (his mark) Haven, jr.

Inventory of the estate of Thomas Coldam, in the several parts according as it was willed by him, allowed upon oath of Richard Whitney: To his sister Martha Witney & her Children, a horse & 2 sheep & 2 Lambs, 5li. 5s.; debts due as per Mr. Purchases book, 5li.; to her children all his wearing Cloathes, 5li. 18s.; a doules shirt, bands & wearing lining, 1li. 6s.; total, 17li. 9s. To Sarah Hart In money, 4li. 11s.; a Chest, 5s., & a Dowlas shirt, 10s.; in Iron ware as upon Will, 2li. 5s.; debt due to estate p Elia Giles, 18s.; total, 8li. 9s. To his Father Thomas Coldum 2 Barl. of Cyder, 16s.; p debts due to the estate as p the will, 2li. To his Mother Johana Coldum a Caster Hatt and two yards of Dowlus, 1li. 6s.; given in legacies as appeares upon the will, 30li.; the remainder of the Estate not particularly disposed of, 2li. 17s.; Estate is debtor to said Sarah Hart for funeral charges, 18s.; remainder of the estate undisposed, 1li. 19s.

*Will of William (his mark) Charles,‡ dated Dec. 31, 1672, and proved upon oath of John Peach, sr., and Joseph Daleber: "Imps. I will that my due debts which I owe to any persons may be satisfyed by the Executrix of this my will; I give and bequeath to my dear wife Sarah (whom I do by these constitute Executrix) all the moovables within doors to enjoy absolutely as her owne for ever, and dispose off as shee shall see meet at her decease & I do by these presents constitute my loving Cousen James Dennis to be assistant, and joynt Executour along with my wife; The remainder of the estate I give also the whole use and benefit of it to be enjoyed by her during her naturall life, and for her comfortable maintenance I give liberty to her, taking the advice of my loving Freinds therein, M^r Moses Mavericke, M^r Samuell Cheever and Richd Norman, in case of want to sell,

† Autograph.

‡ Seal.

William Flint's will* and inventory were proved and allowed.

dispose or alionate any part of the estate for her needfull maintenance; After my wifes decease I give and bequeath the whole estate then left (excepting what was before excepted) and a shilling which I give to my Cousin Robert Charles to my Cousin James Dennis his children which he hath or my have by my Cousin Mary his present wife to be equally divided amongst them as they shall be of age; Saving a small parcell of Land neer adjoyning to James Dennis his house I give and bequeath to Mary Dennis, jun^r to enjoy as her owne for a house-plot besides her other proportionable part, & my Gunne I give to James Dennis, jun^r, and leave the rest as above." Wit: John (his mark) Peach and Joseph Dallaber.†

Inventory of the estate of William Charls, taken Feb. 10, 1672-3, by John (his mark) Peach, sr., and Samll. Word,† and allowed upon oath of Sara, the widow, and James Denis, executors: One bed and furnter, 5li.; 1 new sut with drawers and wastcoat belonging to them, 3li.; 1 sut more with drawers and wastcoat, 1li. 10s.; 1 Cape Cloth Coat, 1li.; 1 hatt, 3s.; 2 shirts, 7s.; 1 paier of stokins, 2s.; 2 old Chests, 8s.; 1 old table, 3s.; 1 Chaier, 2s. 6d.; 1 picher with other Earthen ware, 3s.; 2 buckitts, with other woden ware, 5s.; 3 bras ketles, 1li. 10s.; 3 Iron ketls, 12s.; 1 Iron pot, 4s.; 1 Iron skillitt, 6s.; 1 fowling pes, 1li.; pot hooks, fier shovell and tongs, 5s.; 1 tramell and frieing pan, 10s.; 2 bibls and on other book, 15s.; 1 paier of boots and 1 barill, 15s.; 1 Iron pott, 10s.; 2 bbs. and 1-2 of mackrell at 35s., due from Mark Pittman, 40s.; 6 kows, 24li.; 1 dwelling hous with out houses orchard and Land adjoyning, 80li.; 5 ackor Lott, 12li.; half a parsell of Salt marsh lieing betwixt him and John Peach, sr., in south field, 30li.; his part of land in the farm bought of Major Hathorn, 10li.; 2 Kows Leas in the Comons as it was first granted, 10li.; half an Iland Comonlie Cald nick Charls his Iland, with half the stage standing upon it, 40li.; half of a shallop, 15li.; total, 224li. 15s.

* Will of William Flint, without signature, dated Salem, Sept. 5, 1671, and proved upon oath of Maj. Wm. Hathorne and William Hathorne, jr., who declared that said Flint made oath before the witnesses that it was his last will: "Imp^r I doe giue & Bequeath || to my wiffe Alce Flint || (Besides the thirds of all my houseing & land Dureing her life) all my househould-stuff Except only a bedsteed bed & beding which I haue giuen to my sonne Thomas with some few other things All my land & all ye Cattell I haue not By will Disposed of I freely leaue to her to bee disposed of According to plesure soe longe as she liues vnmarried. And that what shall Remaine thereof att her Decease shall bee equally Devided Betweene all my Children To my Sonne

† Autograph.

Edward I giue & bequeath The Halfe part of The Two Feilds; the one some tyme Called Golthites Feild the other Sometime Called Truslers Feild or Brickkil Feild The Halfe part of all my marsh on the North Side of The Creeke or brooke at Forrest Riuer Commonly soe Called One Acre of Marsh more or less vpon ye other Side of y^e Creek or Brooke of Forrest Riuer one Tenn Aker lott that Formerly was Daniell Baxters in South Feild one fwe aker lott that Formerly was Hen^r Looks in ye So— ye one Halfe of my Part of the Swamp land that was Exchanged [with] lin in Towns men for that I bought of John Lewis one paire of Cart wheeles

“To my Sonne Thomas Flint I Giue & bequeath all my Houseing with the land Adjoyning both Garden & orchard The Halfe part of the Two Feilds ye one Some tymes Golthites Feild the other Sometimes Called Truslers feild or ye Brickkill Feild The Halfe part of all my Marsh on the northside of The Creeke or brooke of Forrest Riuer soe called Commonly all the land or swampe at Claybrooke formerly bought of George Emery all y^e land within the Incloasure (made by my sonne Jon. Pickering & mysele in ye soth feild) my part thereof which I giue to my sonne Thomas one Tenn Aker lott in ye South feild I bought of Olliuer Mannering w^{ch} formerly was Richard Rayments To my sonn Thomas I giue & bequeath halfe an Aker of Marsh a little Within ye South feild Gate which I bought of m^r Feild This one Halfe of my Swamp land y^t was Exchanged with Lin Towns men for that I bought of John Lewis To my Sonne Thomas His Choyce of fower oxen & Two Cowes out of all my Cattle To my sonne Thomas all my Wheelles & Cartes plows & Chaines & Tackling for my oxen Except one payre of wheelles I haue giuen to my sonne Edward To my sonne Thomas I giue & bequeath y^e best bedsteed w^e stands in ye Chamber with one feather bed Two payre of sheetes one payre of Blanketts Two Ruggs one of them ye best red one Likewise I leaue itt to my wiffe to bestowe vpon him whatt other household stuff hee may haue occation for if hee marryes durence her life. To my sonne Thomas I giue Two Iron Backs Two Iron doggs & Three hakes or hookes.

“To my Sonne Joshua Ward his sonne Joshua I giue & bequeath One Tenn aker lott in ye South Feild w^{ch} I bought of Cap^t James Smith & was formerly m^r Gotts To Antony Nedam I giue a Cow of mine which he hath in Keepeing & doe aquitt him freely from all whatsoeuer hee owes mee vpon Accompt^t betweene him & — Lastly: as for ye Debts that are due to mee from severall I doe leaue them to discharge what I owe to others & the Remainder of them I giue to my wiffe.” Wit: Wm. Hathorne, sr.,* John Hathorne* and Wm. Hathorne.* Alce, the widow, and Edward, the eldest son, were appointed adminis-

* Autograph.

trators of the estate. Court ordered that Jno. Pickering should have the land which was willed him by his father, as is declared in Mr. Jno. Hathorne's testimony.

Inventory of the estate of William Flint, deceased, taken Apr. 22, 1673, by Edmond Batter* and Hilliard Veren, sr: * Imp's: a dwelling hows, barnes, out housinge with y^e garden, orchard & land adjoineinge contayn aboute one acker, 240li.; about Seauen ackrs of land lyinge in y^e field caled Goldthites field, 80li.; aboute six ackers of land lying in truslers field soe caled or y^e brickkil field, 70li.; aboute fiue ackers of marsh lyinge att or toward y^e head of Forist Riuer, 50li.; one ten acker lott y^t was formerly baxters lying in y^e South field, 12li.; five ackers of land y^t was formerly Cooks lying in y^e south field, 5li.; y^e swamp land his part of itt about fower ack^{rs} behalfe be itt more or less y^t was: Exchanged with Lin men, 6li.; all y^e land & swamp at clay brooke form^{ly} bought of m^r Emmory about 6 ackers, 42li.; his part of inclosier made between John pickeringe & y^e deceased contayning aboute twelue ackers, 20li.; One tenn acker lott late bought of Oliuer Manneringe, in y^e South field, 13li.; half an acker of Salt marsh bought of m^r Field lying in y^e Southfield, 5li.; one tenn acker lott late bought of James Smith lying in y^e Southfield, 18li.; aboute two ackers of land bought of Hilliard Veren lying in y^e South field, 2li.; aboute two ackers of land lying neare the Southfield Gate bought of Tho. James, 30li.; aboute thre ackers of land lying adjoining to y^e inclosier aboue said, 3li.; aboute fiue ackers of land formerly John Bridgmans: lying in y^e Southfield, 6li.; 10 Oxen, 50li.; 6 cows & a calf & a hifer, 22li. 15s.; 3 horses & a mare & colt, 12li.; 2 swine, 20s. & 6 hooks & sickls, 5s.; 12 Sheep, som lambes, 6li., a grind ston & crank, 6li. 10s.; 3,000 foot of deale bords, 6li.; 2 carts, 10s.; 2 pa^r Iron bound wheels, 1 p 6li., 1 dito, 4li., 10li. 10s.; a par of drafts & a par. of wheels to them, 1li.; a dung pot & old whels, 20s., 6 iron chains, 40s.; 5 yokes & 2 par. copses, 1li.; 2 plows & iron & an old harrow, 1li. 1s.; 2 iron crows, 2 pitchforks, 4 spades, 1li.; 2 mattacks, 3 dung forks, 2 hows, 18s.; 10 axes, 25s.; 6 wedges, 6s.; 2 cops rings & staples, 1 p plow irons a sett of boxes & old iron, 1li.; a parcel of old Scithes & old aug^r & chisels & som old iron, one ads & 2 saws, 1li. 5s.; a pillion, 8s.; an old saddle & bridle, brest plate & croop, 18s. In the parlor chamber: one fetherbed & bolster & pillow, 4li. 2s.; 4 blankets, 1 Rug, 3li. 5s., 1 p sheets, 8s.; a sute of curtins, 25s.; bedsted cord & matt, 20s.; red rug, 30s.; green rug, 20s.; pr. white blankets & 2 pilos, 4li.; a cotten rug, blanket, bed matt, cord & bedsted, 2li. 10s.; wearing apparel, 7li. 10s.; 3 hatts, 16s.; 4 p shoos, 12s.; 1 p bootes, 10s.; 3 p old cards, 3s.; 2 muskets & old Swords, 1li. 12s.; a sword, 12s.; 9 3-4 yd. of kersy at 7s., 4li. 3d.; 21 p & one Sheete, 7li.; 5 yds. brod cloth, 10s.;

* Autograph.

3-4 yds. Serdg, 43s.; 2 yd. cotten, 6s.; 2 1-4 peniston, 8d.; 4 yd. Red Serdg, 20s.; 5 yd. cotten & woolin, 12s. 6d.; 1 deers skin, 4s.; 8 shirts, 32s.; a table cloth, 16 napkins, 8 old towels, 1li. 2s.; 22 yds. of cotten & linen, 44s.; 6 pilobeers, 6s.; 10 bands, 3 caps, 5 hankerchifs, 16s.; 4 pine chests, 16s.; small table, 5s.; 3 old baskets & old sives & a hogsd., 1s. 6d.; salt meate in ye hows, 1li. In the kitchin chamber, cotten blankett & bag, 5s.; 4 blankets & a p sheets, bolster & pilloes, 5li.; a dust bed, bedsted, cord, 6 blankets & old pillo, 2li. 10s.; an old chest & 3 bushls. pease, 10s.; 5 bushels of pease, 12s. 6d.; 9 bushls. wheate, 36s.; 18 bush. oates, 22s. 6d.; kneeding trough, a meel cask, tub & other old caske, 9s.; 2 old sives, bole & skimer, 2s.; 1 bush. 1-2 salt, 4s.; shovel & hogsd., 3s.; nails, 4s.; cart rops, old & other lumber, 6s.; 16 bags, 48s., 24 bus. malt at 3s., 6li. 12s.; 34 bushls indian corn at 2s., 4li. 12s. 6d.; a fether bed, bolster & blankets, old rug, p sheets, old curtains & valins & bedsted with all appertenances & 2 pilloes, 7li.; truckl bed & bolster, bedsted, 4 blankets, old and new, 5li.; side cubard, 30s., warming pan, 7s.; small table, 4s.; 2 old stools, 2s.; 8 chairs, 12s.; pair of spurz, 12d.; 7 old baskets, 30d.; Scales & weights, 3s.; books, 12s.; a forme, 18d.; a p of dogs & iron back, 1li.; an old smoothing iron, glas bottles, pincers, file, knives & combe, 3s. 6d.; 4 cases with bottles, 15s.; spectackls & cases, 5s.; in the seler, tubs, barls., & lumber, 15s.; pewter, 3li. 17s.; lanthorn & tin ware, 5d.; bras, 4li.; iron pots & kit-tles, 32s.; a back & andirons, 55s.; hangers, pot hooks, fire shovels, tongs & 2 frying pans, 3li. 15s.; pails, trays, potts, 2li.; 16li. cotten & linen yarn, 1li. 12s.; a mortar, 2 hamers & som lumber, 5s.; a table & formes, setle & 3 or 4 chares, 2li.; p of bellows & gridiron, 2s.; cash, 10li.; 60 Cord of wood, 5li.; aboute 20 loade of dung, 1li.; 2 p sheets much worne, 10s.; 7 3-4 yds. stuff, at 12s., 15s. 6d.; an old Red childs blankett, 5s.; p of britches, 10s.; debts due to ye Estate, 79li. 14s. 3d.; total, 911li. 15s.; estate debtor about 16li. 12s. 5d.

Wm. Hathorne testified that on 18 : 1 : 1671-2, he was sent for "to go to Wm. Flynte to hear his will read about wch I had much conference before, I askt him why he gaue so little to two of his daughters, he told me he had giuen them something already & he would giue itt to his wife who would doe well for her daughters, & y^t he would doe well by Thomas his son because he had been an obedient child to him, when itt was read, he told me it was his will & yt it was writen according to his mind & desired me to be a witnes to y^e same." Sworn in court.

William Hathorne, aged about twenty-seven years, deposed that he heard Goodman Flint say that he intended to give his son Pickering a parcel of land, etc. Sworn in court.

Samuell Leech dying intestate, administration upon the estate was granted to several of the creditors, viz., Mr. Moses Maverick, Mr. Frances Johnson and Robert Knights, who were to bring in an inventory* to the next Salem court.

James Bette was bound to Isaack Hull, cooper, to live with

Jno. Hathorne, aged about thirty-one years, deposed that when he wrote the will of William Flint, etc. Sworn in court.

Edmond Batter, aged about sixty-four years, deposed that he being with Will. Flint the day before his death, the latter said he wished he had put in his will about the land he wished his son Pickering to have, but when deponent went the next morning, said Flint was not in condition to be spoken with. Sworn in court.

On the reverse of a copy of the will of William Flint: "Inq^r who is plaintiff & who defendant & how much & what ye land & where it lyes & how bounded.

"Jn^o Jun^r & Alce Pickering Ex^{trs} to ye Last will & Testam^t of Jn^o Pickering Sen^r late decd. plaintiffs. Edward & Thomas Flint defend^{ts} Thomas hauing let Edward haue Two Acres of y^e land in Controu^{rsy} Lying in y^e sth field in y^e whole ab. 10 acres of upland & meadowe Known by ye name of Harwoods lott. bounded on ye sth & west wth y^e land of Tho. Flint & Jno. Pickering: on ye north wth y^e land of Alce pickering. on ye East wth ye harbour.

"y^e adm^{rs} haue been already Cited ye ordnary by m^r pickering in his life time but ye Case seeming difficult to ye Judge y^r is nothing acted upon it as yet."

* Inventory of the estate of Samll. Leach, appraised, June 26, 1673, by Nicholas (his mark) Merritt, Richard Hudson† and Edw. Humphrey:‡ the house, boardes and shingles that was bought to put upon the house, 40li.; 1 Bedd Covered and Blankets, 2li. 1 Bolster, two pillows, 10s.; two pare of sheets, 1li. 6s.; two Chests, one table, one Box, 16s.; one fryen pan, smothin Box and Iron, 6s.; one Iron pott and Cettle, 11s.; wooden ware, 3s.; Lumber, 1s. 6d.; 3 puter dishes, 1 pint pott & 3 old poringers, 16s.; Tinin ware, 3s. 6d.; two Cheares, 1s. 6d.; 1 little Copper Scillett, 1s. 6d.; Tramell and Tonges, 6s. 6d.; Iron work, 4s.; Mattes and Cradle, 3s.; total, 47li. 9s.; debts due from the estate: to Robart Knight, 11li. 15s.; John Legg, 5li.; Francis Johnson, 5li. 15s.; John Devirex, 4li. 10s.; Rich. Normon, 3li. 11s.; Joseph Pickworth, 15s.; Goodman Doliver, 15s.; Mosses Mavireck, 3li. 3s. 2d.; Goodman Roads, 1li. 14s.; Ambros Gall, 10s.; James Smith, 8s.; Edward Reed, 2s.; Daniell Wells, 15s.; total, 37li. 12s.

† Autograph.

him as an apprentice according to indenture allowed and filed in the records.

Thomas White of Wenham dying intestate, and the last November Salem court appointing his wife, Ruth, administratrix, and ordering her to bring in an inventory,* which she did, there appeared to be more debts than estate to pay. Court ordered that the estate pay 13s. 4d. to the pound, and that any creditors who did not accept it, might have liberty to recover otherwise.

*Inventory of the estate of Thomas Whitt, late of Wenham, taken by Walter Fayerfield† and Charles Gott:† imprimes his wearing cloths and hatt, 3li. 14s.; beads, beading, Leninge and beadsteds, 10li. 3s. 6d.; bras, pewter and silver and Iron ware in the house, 6li. 13s. 2d.; a saddell and pillion and one chest and wooden Lumber, 2li. 6s.; parcell of swine, one horse and neatt cattell, 18li. 11s.; chayns and plows and other husbantre Implements, 4li. 6d.; two oxen, two cows and one ster taken away by John west, 19li.; hoops and boxes in henery Kembals hands, 1li. 2s.; Dew from the widdow Rayner, 1li. 1s.; in corne and pease in the house, 1li. 3d.; dew from henery kemball, 2li.; from Isack Davis, 12s.; in bord or plank at the mill, 1li. 5s.; Sargent Thomas Whitt, deceased, having had in his life time a Right by Lease: to a parsel of Land hired of Richard Hutten and by what the said whitt hath disbursed upon the said Land if it can be holden the terme of the Leas which is six yers to com, 10li.; total, 81li. 8s. 2d.

Account of the debts which Thomas White owed, made by Tho. Fiske† and Walter Fayerfield:† to the Worshipfull Mr. Bradstreet, 9li.; Capt. Latherop, 7li. 3s.; Capt. Georg Corvine, 11li. 6s. 4 1-4 d.; Mr. Gidny, sr., of Salem, 6li. 1s. 9d.; Capt. Pric, 1li. 2s. 10 1-2d.; Mr. John Ruck, 5li. 18s. 5d.; Zebelan Hill, 3li.; Ezeikle Woodward of Wenham, 11li. 9s.; Ensign John Goold, 5li.; Mr. Newaman, 6li. 11s. 1-2d.; William Story, 5li.; Mr. Wade of Ipswich, 14li. 3s. 8d.; Andrew Peetr of Ipswich, 1li. 2s.; Thomas Juett of Salem, 7s. 9d.; Goodman Gooldsmith, 1li. 10s.; Thomas Fiske, 1li. 10s.; Daniell Killim of Wenham, 17s.; Deacon Goodhewe, 4li.; Richard Hutton, 12li.; John West, by a Judgment acknowledged in Court, 20li. 5s.; Due to the widow for Charges sine hir husbands death in Secureing the estate, 3li. 4s. 6d.; to John Denise, 1li. 3s. 6d.; Goodman Rix, 7s.; to william Sawier, 7s.; Mr. Purchas, 10s.; Ensigne Corning, 7s.; total, 130li. 2s. 4d., besides 3li. 4s. 6d., expended by the widow.

Copy of the will of John White of Lancaster, yeoman, dated

† Autograph.

Mar. 10, 1672-3, compared with the original by Ralph Houghton,* Roger Sumner* and John Lewis:* He commits his body to the common burying place at Lancaster; "ferst it is his will that his daughter Hanna haue one hundred acres of his second deuision of upland and part of it lying neare ealsabet Riuer, and all that part of his second deuision of medow that lyeth at wataquadoke together with Comons and Comon Right due to one hundred pound estate on the towne booke. And the house and barne and other out housing together with all the Rest of of the lands medowes Comons and comon Rights within the bounds of Lancaster both first and second deuision to be to his son Josiah White, The said building and lands aforementioned to be as aforesaid to his son Josiah and his daughter Hanna there heires and asignes foreuer. And in Reference to his farme at wenham it is his will hereby declared that his daughter in law Ruth White sum time wife to his late deceased son Thomas White, shall haue and inioy the said farme during the time of her naturall life (one half of it) and the other halfe untill her son Thomas white Com to the age of twentie one years and then he to enter posesion of one half and at the death of the said widow the two daughters are to enter posesion of the other halfe, to be to the said widow her son and daughters as aforesaid there heires and asignes foreuer provided alwaies that If the said widow Change her Condition by marriage then the said farme to be to the said Children in pportion as aforesaid And in Refrence to his daughters Joane Elizabeth Marie and Sarra who are disposed of in mariage and haue Receiued portions yet notwithstanding it is his will hereby declared that they haue euerie one twentie shillings truly payed them out of the mouable estat as aforesaid. And In Reference to Hanna his yongest daughter who hath liued with him from her childhood and bene a nurse to him in his old age, it is hereby declared to be his will that she haue the bed shee useth, together with all the furniture belonging to it — debts and Legacies aforesaid being fully discharged out of the mouable — as aforesaid, by the aforesaid Josiah white who is hereby willed and — ed to be sole executor of this Last will of his aforesaid father, to se this —ill truly and faithfully pformed, in all the parts of it. the — to the said Josiah. The aforesaid John —." Wit: Roger Sumner and Ralph Houghton, who made oath before Danll. Gookin.

Copy of the inventory of the estate of John White of Lancaster, taken 29 : 1 : 1673, by Richard Hutten and Marke Bache-ler: In housing and twentie acres of house lott and 20 acres of interuaile land in the first division, 100li.; horses, Catell and hogs, 2 horses at 7li.; 2 oxen at 8li.; 4 Cowes, 10li.; 4 yearlings, 4li.; 2 weaning Calves, 1li.; swine, 10li.; 53 bushell of Ry, 9li. 5s. 6d.; 12 bushell of blasted wheate, 1li. 16s.; Indian Corne,

* Autograph.

William Thomas of Newbury had liberty to take and improve sturgeon.

Whereas there was an inventory* of the estate of John Fairefeild brought into the last Salem court, amounting to 241li. 5s. 6d., by Sara, the relict, now the wife of Daniell Killum, who had been appointed administratrix, court ordered, with the consent of all parties, that said Daniell Killum keep the whole estate until the children come to age, viz., John Feirefeild, the son, and Trifana and Elizabeth, the daughters, and when they reached the age of fourteen years they were to choose their guardians. At age, the son was to have 50li. and the daughters 25li. each, the house and land to stand bound for the children's portions.

Fined by Major Hathorne:

Thomas Greenslade, for breach of the Sabbath, was admonished.

Sara Greeneslade, for suspicion of stealing and lying twice was fined.

William Reeves, for breach of the peace by fighting with another man, was fined.

Thomas Cromwell, for striking Tho. Robbins, was fined.

Lewis Hewes, for profaning the Lord's day by demanding

30 bushell, 3li.; 2 acres and halfe of Ry on the ground, 1li. 7s.; 2 bushell of oats, 4s.; a bushell and pek of hemepe seed and flax seed, 6s.; a load of hay, 10s.; carts, plowes, chains and horse harnes and other takling for a teame, 6li.; in axes and Carpenters tools and other husbandrie tools, 1li. 10s.; arms and amunition, 2li.; houshold goods, a bed steed, fether bed, a white Ruge, bolster and other furniture belonging to the bed, 6li.; another old bed and the furniture to it, 2li. 10s.; a bed and the furniture belonging to it that was given by his will to his daughter Hanna, 3li.; his wearing aparell, 5li.; brasse and peuter, 4li. 10s.; books, 9s.; iron ware in the house, 2 tramells, 4s.; pair of tongs, 3s.; Iron pot, 4s.; small pair of scales, 2s. 6d.; an old Chest, a Churne, 2 other Chests, Cheires, stools, 1li.; total, 189li. His estate in Wenham, 200li.

Tho. Scott certified that there was due from the estate of Tho. White of Wenham to his master Jno. Corwin, 7li. 17s. 2 1-2d.

*Copy of the inventory of John Fairefeild, of Ipswich, attested by Hilliard Veren,† cleric.

† Autograph.

debts, was fined, fees to be paid to the constables of Topsfeild and Salem.*

Richard Croffe, for stealing wood, was fined, and was ordered to pay witnesses, John Massey and John Greene.

Richard Croff, for absence from meeting and entertaining others in his house in time of public worship, was admonished.

John Morrall, for being drunk, was fined.†

The wife of Peeter Woolfe for abusive carriage at meeting on the Lord's day, was fined, and was to pay Richard Stackhouse 6s. 8d.‡

*John Courties and Zachariah Courties, aged about twenty-four and twenty-two years, testified that on one Sabbath day in April, 1673, Lues Hews came to their father's house to demand a debt of their brother Zacheus, but they told him he was not at home. Said Hews was troubled because he had come so far to speak with him, but he later said he had come on other business also. Then he asked for Daniell Blak and where he lived. Then they asked Hues to go with them to Topsfelld to meeting but he refused, saying that he would get back in time to go to Salem Farms to meeting in the afternoon. He further bade them to tell their brother that if he did not bring down the pay within a week, he would be forced to send the marshal, for he was in fear of being sued, or if he would come to Salam and appoint John Gills to pay the money he owed to Zacheus to said Hues, he would be willing to allow five shillings per pound. "then he tould us y^t our father sayd John gills was to driue a pair of oxen to mr. brodstrets but he was badly mistaken for John gils did not care though y^e oxen could but ris alone at may day for ther our father was to feetch them: further he tould us y^t mr endecot bid him to tell our brother y^t if he did not bring away y^e rent y^t was behind he wold spedely send y^e marshall." Sworn in Major Hathorne's court, 2 : 7 : 1673, and attested by Hilliard Veren,§ cleric.

†Henry Kemball and Jams Moulten, jr., testified that they saw John Morall so far gone with drink that he could not keep the way but tumbled about like a beast. Sworn, 1 : 7 : 1773, in court.

Robert Leach, sr., aged about fifty-eight years, and Robert Leach, jr., aged about twenty years, deposed that Georg Standly sold Robert Leach two yards of broadcloth at 22s. per yard, which he said it cost him at Steven Hascott's. The latter, however, affirmed that Standly gave him but 15s. for it. Sworn, 1 : 7 : 1673, before the Worshipful Maj. Wm. Hathorne, and attested by Hilliard Veren,§ cleric.

‡Ann Woodbery, aged about forty-seven years, deposed that "as I was late in my seate in the meetinghous on the lords day

goodwife Stackhous being there in the same seate sitting by mee a little distant from mee leauing about halfe roome for another betweene us: goodwife wolfe came in to the seate and there not being roome eneeough for hir to sitt down between us goodwife wolfe stood up in the seat before goodwife Stackhous a good while till at last I being ashamed to see them as I thought contend for the uperhand I spake to goodwife Stackhous desiring of hir to sitt a little farther that goodwife Wolfe might sitt down but shee would not now there not being roome for goodwife wolfe to sitt neither betweene goodwife Stackhous and me nor on tother side between goodwife Stackhous and a pillar that standeth in the seate but about halfe roome eneeough on either side of good wife Stackhous good[wife] wolfe haueing allwise used to sitt at that end of the seat and not goe past the pillar haueing stood as aforsd a good while at last kneeled down in the seat awhile and afterwards rose up againe and then sate down upon goodwife Stackhouses knees a little while and then rose of hir again and sate down upon the seate beyond goodwife Stackhous goodwife Stackhous sate still upon her seat a little while afterwards and at last sate down lower in her seat awhile and at last shee whispered to mee to call hir husband her husband was called and then shee seemed to be sick hir husband helped her away out of the meeting hous In all this time I did not perceiue goodwife wolfe make any disturbanc nor offer any affront to goodwife Stackhous unless it weere in the sitting upon hir kneese." Freeborn Black testified to the same, except to the particular of Goodwife Stackhouse sitting upon her mat, etc. Sworn in court of presentments held by Major Wm. Hathorne, 21 : 7 : 1673, and attested by Hilliard Veren,* cleric.

Robert Bradford, aged forty-seven years, and John Black, aged about thirty-one years, deposed that being at the meeting house the day that Goodwife Stackhouse complains of wrong done to her by Goodwife Wolfe, etc. Ann, wife of Nicholas Woodbery, mentioned. Goodwife Wolfe turned herself with her face to the minister and leaned her arms upon Mrs. Halsepew, etc. Sworn in court held by Maj. Hathorne, 15 : 7 : 1673, and attested by Hilliard Veren,* cleric.

Deborra Morgain, wife of Joseph Morgain, Florane Gally and Mari Hains deposed. Sworn before Major Wm. Hathorne, 1 : 7 : 1673, and attested by Hilliard Veren,* cleric.

Darcas Hore, aged thirty-nine years, deposed that her mother pulled Goodwife Wolfe by the arm, etc. Sworn before Major Wm. Hathorne's court, 15 : 7 : 1673, and attested by Hilliard Veren,* cleric.

Tamsin Taply, aged forty-two years, deposed that she saw Goodwife Wolfe sit so long in Goodwife Stackhouses lap that she leaned her head against the seat. Deponent would not

* Autograph.

have seen it, had not Goodwife Lovett pulled her by the arm to show it to her. Sworn in Major Wm. Hathorne's court, 15 : 7 : 1673, and attested by Hilliard Veren,* cleric.

Elizabeth Larcomb, aged forty years, deposed. Sworn, 1 : 7 : 1673, before Major Wm. Hathorne, and attested by Hilliard Veren,* cleric.

Mary Lovit, aged about fifty years, deposed. Sworn 1 : 7 : 1673, before Major Wm. Hathorne, and attested by Hilliard Veren,* cleric.

Inventory of the estate of Elionor Robinson, deceased, allowed in court, 27 : 4 : 1673, upon oath of Mr. Hen. Bartholmew: two coves in ye hand of John Neal, —; in money, 4li. 12s.; for the hire of two coves, 1li. 8s.

Inventory of the estate of Richard Charlescraft, allowed in court, June 27, 1673, upon oath of Anthony Needham, administrator: a sute of cloathes in the Hands of Mr. John Browne, sr., 2li.; p old lynin 15s. & 800 weight of Tobacco at Virginia in the hand of Mr. James Browne, 4li. 7s.; p a Barrill of Rumm in the hand of Mr. Matthew Bartine, 3li.; total, 9li. 7s.

Writ: Abraham Allen v. Henry Skerry, sr., and Nathaniell Mighill alias Michaell, dwelling with Mr. William Browne, sr.; trespass; for breaking open his house, abusing his wife by forcibly turning her out of the house and locking the door, nailing up said Allen's shop, taking away the key of his house, thereby depriving him of the use of his household goods; dated June 10, 1673; signed by Hilliard Veren,* for the court; and served by John Marston,* constable of Salem.

Writ: Mr. Timothy Lindall v. William Reeves; debt due by bill to Mary, said Lindall's wife, before marriage; dated Apr. 10, 1673; signed by Hilliard Veren,* for the court; and served by John Williams,* deputy marshal of Salem, by attachment of a chest and a good new bedstead belonging to defendant.

Writ: Margaret Bishop v. Nicholas Manning; forfeiture of a bond; dated 11 : 4 : 1673; signed by Hilliard Veren,* for the court; and served by —, constable of Salem, by attachment of the barn and land in the south field of defendant's.

Writ: Robert Wilkes v. John Norton; non-performance of covenant in building a house for plaintiff, it being for the most part already paid; dated 18 : 4 : 1673; signed by Hilliard Veren,* for the court; and served by John Marston,* constable of Salem.

Writ: Henry Skerry, marshal v. Thomas Fiske; debt; dated June 4, 1673; signed by Hilliard Veren,* for the court; and served by Abraham Drak,* marshal Skereis' deputy.

Writ: John Waldron v. William Cock; debt, which was due from said Cock to Mr. Christopher Latamore, and said Waldron was his security when Mr. Latamore had arrested him, which

* Autograph.

debt he refuses to pay; dated Apr. 16, 1673; signed by Moses Mavericke,* for the court; and served by Robert Bartlett,* constable of Marblehead.†

Writ: Mr. John Brock v. Thomas Russell; debt; dated May 12, 1673; signed by Moses Mavericke,* for the court; and served by Robert Bartlett,* constable of Marblehead, who attached one cow and codfish of defendant's.

Writ: Christopher Lattemore of Marblehead v. Edward Homan of Marblehead; for illegally possessing and building a house upon plaintiff's land in Marblehead, also for refusing to deliver said Lattemore possession of the same, after legal demand, which land was bought formerly of John Coyte, it being 100li. damage to the plaintiff; dated June 11, 1673; signed by Moses Mavericke,* for the court; and served by William Browne,* constable of Marblehead.

Writ: Mr. John Brock v. Thomas Russell; debt; dated May 12, 1673; signed by Moses Mavericke,* for the court; and served by Robert Bartlett,* constable of Marblehead, by attachment of one cow and some codfish.

Writ: Samuel Morgan v. Thomas Russell; debt; dated June 6, 1673; signed by Moses Mavericke,* for the court; and served by Robert Bartlett,* constable of Marblehead.

Writ: Thomas Stocker v. Samuel Benitt; debt; forfeiture of a bond; dated June 18, 1673; signed by John Fuller,* for the court; and served by Samuel Hart,* deputy for Chrispas Brewer,* constable of Lin. Bond of Samuel Benett.*

Writ: John Knights v. John Smith and Ralph Ellinwood; trespass; for carrying away dung; dated May 1, 1673; signed by Hilliard Veren,* for the court; and served by John Lovit,* constable of Beverly. Bond of Rea[l]ph Elan[wood]* and John (his mark) Smith, said Ellinwood giving his house and land as security.

Writ: Nathaniell Browne, in behalf of his wife v. John Leigh; slander; for charging that she had taken a false oath and saying he could prove it; dated Apr. 11, 1673; signed by Robert Lord,* for the court; and served by Seth Story,* deputy for Robert Lord,* marshal of Ipswich.

Writ: Henry Leonard v. Anthony Carrell; for refusing to give possession of a parcel of land and meadow bought of said Carrell for the term of eleven years, as may appear by a lease or deed under said Carrell's hand; dated June 19, 1673; signed by Robert Lord,* for the court; and served by Theophilus Wilson,* constable of Ipswich.

Writ: Mr. Robert Paine v. Henry Leonard; debt, in bar iron; dated June 18, 1673; signed by Robert Lord,* for the court; and served by Joseph Leigh,* deputy for Robert Lord,* marshal of Ipswich, by attachment of Leonard's interest in the Iron

* Autograph.

† Shorthand written upon the back of this paper.

works, the house he lives in, and his right in a frame standing by the works.

Writ: Adam Westgate v. Edmond Bridges, sr., of Ipswich, blacksmith; debt; dated Apr. 25, 1673; signed by Hilliard Veren,* for the court; and served by Robert Lord,* marshal of Ipswich, by attachment of the house and land of defendant.

Writ: Thomas Newell v. Henry Leonard; debt; for not delivering 8li. in bar iron at Salem, according to agreement, dated June 18, 1673; signed by Robert Lord,* for the court; and served by Joseph Leigh,* marshal's deputy.

Writ: Major Genrll. Daniell Denison v. Henry Leonard; debt; in bar iron, due for his part of the rent of the Iron works and arrears of rent; dated June 17, 1673; signed by Robert Lord,* for the court; and served by John Gould,* deputy for Robert Lord,* marshal of Ipswich, who left the summons with said Leonard's wife.

Writ: Samuell Hunt v. John Leigh; slander; charging him with taking a false oath and saying that he would prove it; dated Mar. 29, 1673; signed by Robert Lord,* for the court; and served by Robert Lord,* marshal of Ipswich.

Writ: Joseph Leigh, assignee of John Leigh v. Nathaniell Browne; debt; dated Apr. 5, 1673; signed by Robert Lord,* for the court; and served by Edmond Bridges,* deputy for Robert Lord,* marshal of Ipswich.

Writ: Henrie Leonard v. Edmond Bridges, jr.; debt; dated 13 : 4 : 1673; signed by John Redington,* for the court; and served by John How,* deputy marshal, by attachment of land of defendant. "the Reson I cal it Edmon Brigris land is be caus ded and bill is giuen: but pososhon and axnoligment is not given: and I knue not where to find any other estat. this I call his but I leue the honered Court to Jug."

Writ: Deacon Wm. Goodhue v. Henry Leonard; debt; dated June 18, 1673; signed by Robert Lord,* for the court; and served by Edmond Bridges,* deputy for Robert Lord,* marshal of Ipswich, by attachment of a parcel of bricks, etc.

Writ: Ens. John Gould v. Henry Leonard; trespass; for harm done by his horses in corn and orchard; dated June 17, 1673; signed by Robert Lord,* for the court; and served by John How,* marshal's deputy, by attachment of two chests and their contents, who read the attachment to Leonard's wife and left a summons with his son.

Writ: Ens. John Gould, assignee of Anthony Carrell v. Henry Leonard; debt, in bar iron; dated June 17, 1673; signed by Robert Lord,* for the court; and served by John How,* marshal's deputy.

Writ: Nehemiah Jewett, being by marriage heir to the estate of John Peirce of Boston, deceased, as also attorney in behalf of

* Autograph.

Manaseeth Marston of Salem and Mary Peirce of Boston, also heirs of the estate of said Peirce, as by his will appears v. John Bridg and Joseph Pennyman, administrators of the estate of William Robinson of Dorchester; debt; dated May 24, 1673; signed by Jonath. Negus,* for the court; and served by Rich. Wayte,* marshal of Suffolk, who went by order of Nehemiah Jewett to the dwelling house of Elisha Hutchinson in Boston to attach the goods of said Bridg and Pennyman, but Hutchinson said he had none of their estate, nor ever had.

On the reverse of the foregoing paper: "For m^r John wiswell Ier[n]monger in newingland In the Supplye, John fayerwether, m^r."

Writ: Ezekiel Woodward, in behalf of his daughter, Elizabeth Woodward v. Samuell Hunt and Elizabeth, his wife; slander; dated Mar. 26, 1673; signed by Robert Lord,* for the court; and served by Robert Lord,* marshal of Ipswich, by attachment of the house and land of defendant.

Writ: Ezekiel Woodward, in behalf of his daughter Elizabeth Woodward v. Nathaniell Browne and Judith, his wife; slander; dated Mar. 26, 1673; signed by Robert Lord,* for the court; and served by Robert Lord,* marshal of Ipswich.

Writ: Robert Hibert v. Nicolas Rice; for not fulfilling a contract whereby plaintiff was to have 12li. in money and goods and the use of two acres of tillage one year for service done him; dated 10 : 4 : 1673; signed by Tho. Fiske,* for the court; and served by Samuel Townsin,* constable of Rumbly Marsh. Bond of Nicholas Rice, Jerimiah Belchar* and Isaack Smith,* sureties.

Writ: Walter Price, merchant v. Richard Sutton of Roxberry; debt; dated June 12, 1673; signed by Jonath. Negus,* for the court; and served by Rich. Wayte,* marshal. Bond of Richard Sutton.*

Venire, dated May 27, 1673, for Wenham, signed by Hilliard Veren,* cleric, and served by Richard Dodge,* constable of Wenham, who returned the names of William Fisk for the grand-jury and Charles Gott, for the jury of trials. Also to summons Abraham Martin to answer his presentment for abusing Alexander Maxe at his own house and also his family, and for taking the Lord's name in vain, with said Maxe and his wife as witnesses. Also to summons James Bette for being drunk, abusing Mr. Newman by words and breaking open his door, with witnesses, Richard Kemboll, sr., James Moulton, jr., Mrs. Elizabeth Newman and Mary Moulton. Also to summons John Bachelor and Sara Kemboll in the presentment of Mr. Anthony Crossbe. "in case ye said Bette be gon or martin, y^t you sumons you not: yu you need not sumons ye witnesses: alsoe ye sd Crosby is Dead & soe ye witnesses in y^t case need not be summoned." The con-

* Autograph.

stable returned that Jams Bettes and Abraham Marten had gone out of "ye patten," and could not be found.

Venire, dated May 27, 1673, for Beverly, signed by Hilliard Veren,* cleric, and served by John Lovett,* constable of Beverly, who returned the name of Samll. Corning for the jury of trials. Also to summons one or more, in behalf of the town, to answer for a defective highway at the head of Macrell cove, near Nicholas Woodberyes mill. Also to summons Thomas Chubb, jr., and his wife, for committing fornication before marriage. Also to summons Excercise Conant, as a witness.

Venire, dated May 27, 1673, for Lyn, signed by Hilliard Veren,* for the court, and served by [torn], who returned the names of John Fuller, Thomas Newhall, Richard Haven and Theopheles Bayly, for the jury of trials.

Venire, dated May 27, 1673, for Marblehead, signed by Hilliard Veren,* for the court, and served by William Browne,* constable of Marblehead, who returned the name of Master Samuell Ward, for the jury of trials.

Venire, dated May 27, 1673, for Gloster, signed by Hilliard Veren,* for the court, and served by John Davis,* constable of Gloster, who returned the name of John Fich, for the jury of trials. Also to summons William Vincent to testify concerning a defective highway, in an Ipswich and a Beverly presentment, and in Thomas Chub's presentment, for fornication.

Presentments, dated June 24, 1673, and signed by Walter Price,* in the name of the rest of the grand jury:

From Wenham: John Morell of Topsfeeld, for being so far gone in drink that he could not keep the way, but tumbled like a beast. Wit: Henry Kemble and James Moulton, jr.

Walter Fearffeeld, for detaining or in not requiring his servant Jno. Besoon to attend the public worship of God on the Lord's day, was admonished. Wit: Tho. Fisk, jr., and Jno. Gilbert.

From Gloster: William Foord of Charlstowne, for sailing his boat "out of the squam at Gloster" on the Lord's day morning quite a way. Wit: Jno. Collins, jr., Tho. Prince, jr., Will. Ellerge, Will. Vinson, sr. Informers, Will Vinson, jr., and Jno. Cook.

From Beverly: Samuell Haries, for beating and abusing his wife. Wit: Marye Woodbery, the wife of Hewgh Woodbery and his daughter Sara, who informed two of the jury of it, namely, Exercise Connant and William Fisk.

From Marblehead: Robert Stephines and his wife, for committing fornication before marriage, was sentenced to be whipped and his wife not appearing, she was attached to Ipswich court. Wit: Richard Rieth.

Mr. Cobb of Marblehead, for being drunk. Wit: Isak Williams and John Moulton.

* Autograph.

William Roberts, the blind man of Marblhed, for taking the great name of God in vain. Wit: Richard Rieth and Waltar Bosen's wife.

George Stanley of Makrell Cove, for lying, saying to Robert Leech that the two yards of broadcloth which he paid to Robert Leech cost him 22s. per yard, which cloth did cost but 15s., which they conceived to be a cheat or extortion. Wit: Rob. Leech, sr., and jr., Stephin Haskett, Joseph Phippen and Christ Babedg.

From Lin: Moses Chadwell and Robert Potter, for swearing rashly in a case tried before the Worshipful Major Hawthorne, concerning a piece of fence in Rumney Marsh, which testimonies are at our honored Major's house. Wit: Major Hathorne, Tho. Stocker and his son Eben.

From Salem: Lewis Hews, for profaning the Lord's day in going about to demand debts in April last upon the Lord's day at Topsfeild. Wit: Zacheus Curtes and Jno. Curtis.

Peter Joye, for being disguised with drink some time in May last. Wit: Mr. Phillip Cromwell and Tho. Ives.

William Bath, for being drunk about one month past. Wit: Edward Woollen and Adam Wesgatt.

William Reeves and John Best, for breach of the peace, fighting in the street, was fined. Wit: Henry Skery and John Williams.

Mr. Tho. Cromwell, for striking Thomas Robins on the face and making his nose bleed, was fined. Wit: Tho. Robins and Jno. Guppy.

Doctor Emerye, for being overtaken with drink and forced to be led home. Wit: Deacon Horne, Jno. Gupee and Petter Harvy.

Tho. Robison, for stealing several things from An Roundy. Wit: An Roundy and Julyan Viber.

Richard Crows, for stealing wood. Wit: John Massy and Jno. Greene.

From Lin: Joseph Holloway, for saying that he recorded his marriage and had not, whereby we vehemently suspect that he committed fornication before marriage. Wit: Henrye Roads and Frances Burell.

From Beverly: Goodwife Woolff, for making a disturbance in the public meeting on the Lord's day by striving with Goodwife Stachouse in the seat. Wit: Debora Morgan, wife of Joseph Morgan, Florence Gally and Mary Haynes.

Warrant, dated 20 : 4 : 1673, for the appearance of Mr. Gardner and Mr. Gidny, ordinary keepers, and all other retailers of wine, strong beer or cider within the precinct of Salem, for neglect and refusal to bring in their accounts of their several drafts of wine, beer and cider, according to law, also for the non-payment of the rates and imposts due from Oct. 25 last, signed by Richard

COURT HELD AT IPSWICH, JULY 17, 1673.

Laurance Clenton came before the Worshipfull Mr. Samuel Symonds, Dept. Gov., and Major Genrll. Daniell Denison, and acknowledged judgment to Thomas Borman.

Mr. John Burr dying intestate, administration was granted to Mary, the widow.

Inventory of the estate of Mr. John Burr, appraised by John Browne and Joseph Browne, was allowed upon oath of the widow, Mary: House, orchard and an acre of land, 40li.; land in England, 200li.; a bed, bedsted & furniture, 8li.; fether bed and rugg & blankitts, 2li. 5s.; a bed & 2 blanketts & a bedmat, 1li. 10s. seaven paire of sheets, 3li. 10s.; 9 pillow beeres, a doozen of napkins & 3 table clothes, 1li. 15s.; a livery cubberd, 2 cases & a chest & small case, 1li. 5s.; 3 trunks and 2 tables, 18s.; 4 silver spoones & other plate, 2li. 10s.; 8 chaires, 18s.; wooden dishes, trayes, keelers & beere barrills, 1li. 10s.; 2 pestles & mortar & a piggin & watter paile, 9s.; a brass kettell, 2 Iron potts, 2 skillets, 1li. 3s.; pewter and brass, 4li.; a warming pan & tin ware & earthen ware, 10s.; paire of Andirons, frying pan, spit

Russell,* treasurer, and served by Christopher Babadg,* constable of Salem.

Warrant, dated 20 : 4 : 1673, for the appearance of Christopher Latimore, ordinary keeper, and all other retailers of wine, strong beer or cider, within the precinct of Marblehead, for neglect and refusal to bring in their accounts of their several drafts of wine, beer and cider, according to law, also for the non-payment of the rates and imposts due from Oct. 25 last, signed by Richard Russell,* treasurer, and served by Robart Bartlett,* constable of Marblehead. Those who have sold this year by retail: Ellner Stasey, several years, John Ledg, sr., John Pedrick at the neck, Franses Johnson, William Wade, Bengeman Parmiter, a licensed man, Richard Norman, a licensed man, for wine, cider, beer and liquor.

Warrant, to Mr. Perkins and Mr. Baker, ordinary keepers, and Mr. Waynright, Deacon Goodhu and Robard Pearce of Ipswich, all retailers of wine, dated 20 : 4 : 1673, signed by Richard Russell,* treasurer, and served by Simon Stace,* constable of Ipswich.

Warrant to Edward Hazen of Rowley, innkeeper, dated June 20, 1673, signed by Richard Russell,* treasurer, and served by John Johnson,* constable of Rowley.

* Autograph.

& slice & tramell, 1li.; tubb of meate and Indian corne, 1li. 10s.; parcell of sheepe woole & other things, 10s.; woolen wheeles, a chest & 3 tubs, 15s.; axes, turning tooles & other Iron ware, 2li. 5s.; 2 bibles and other books, 1li. 5s.; halfe a grinestone, hammer & gimlett, 4s.; bridle & saddle, pistolls & holsters, rapier, belt & lance, 4li.; his own weareing clothes & linnen, 10li.; two coves and a mare, 7li. 10s.; a sow & two piggs, 1li.; debts due to the estate, 3li.; total, 303li. 8s.; debts due from the estate, 30li.

COURT HELD AT IPSWICH, SEPT. 30, 1673.

Judges: Samuell Symonds, Dept. Govr., Major Genrll. Denison, and Major Wm. Hathorne.

Grand jury: Deacon Moses Pengry, Tho. Stace, John Lighton, Rich. Shatswell, Mr. Sam. Rogers, Thomas Gidding, Wm. Titcombe, Sam. Plumer, Daniell Peirce, Wm. Boynton, John Palmer, Joseph Bigsbye, Jo. Reddington and Wm. Chandler.

Jury of trials: Ens. John Gould, Sergt. Jacob Perkins, Walter Roper, Nath. Rust, Edw. Lomas, Edmond Bridges, John Emry, Ens. Steph. Greenleafe, Nath. Clarke, Tho. Tenny, James Barker and Jonath. Platts.

John Bayley was sworn constable of Nubury.

Agreement of the heirs of Jacob Barney, sr., allowed. [Original on file in the Registry of Probate.]

Inventory of the estate of Jacob Barny, sr., taken June 2, 1673, by John Porter, sr., and Richard (his mark) Leach, allowed. [Original on file in the Registry of Probate.]

Capt. Wm. Gerish and Rich. Dole, attorneys for the town of Newbury v. Robert Addams. Verdict for plaintiff, the title of the land in question.*

*Richard Knight, aged about seventy years, and John Knight, sr., aged about fifty years, deposed that this land, formerly of John Reminton and Nathaniell Wyer, now in controversy, which Robert Adams has fenced in is the town of Newbury's common land. Also this land "Lyeth ouer our Litle river" easterly to the land which was formerly Mr. Edmo. Greinleife's land, and Robert Adams has fenced in about ten acres of it. Deponent further testified that when this way spoken of in the record through Robert Adams' meadow, which he purchased of Richard Dole was laid out by deponent it was unfenced and lay in common. Sworn in court.

Mr. John Perkins v. Thomas Newman. Trespass. Withdrawn.

Nath. Wells v. Thomas Menter. Slander. Defendant confessed, and could not prove it. Verdict for plaintiff, 25li. damages or a public acknowledgment, as the court should appoint.*

Mr. Frances Dane v. George Abbott. Withdrawn.

Nath. Pyper v. John Keane. Verdict for plaintiff. Appealed to the next Court of Assistants at Boston. John Keane bound, with John Williams and John Taylour, as sureties.†

Copy of deed, dated May 22, 1651, from Edmond Greenleafe of Newbury to Robert Addams of Newbury, yeoman, for 60li., his farme in Newbury over the Litle river "with all the house barne houseings Hovills fences timber & p'veldges of commons, profitts and hereditaments there unto belonging with both uplands and meadowes conteineing about 150 acres of upland," also 50 acres of meadow, bounded by land of John Hull on the south, and partly by a creek, in length eight score rods, Richard Kent on the east, "parted in the marsh with a creeke and a trench from the creeke to the upland betweene the land of Richard Dole & the sayd farme and from the end of the trench at the edge of the upland it Runs Northerly to the new highway, which is the northwesterly bounds of it and from the marked tree on the north, it runs upon a line to the marked wallnutt by the meadow." Wit: Daniell Peirce, Samuell Plumer and Anthony Somerby. Acknowledged, 1 : 2 : 1652, before Samuell Symonds.‡ Copy made by Robert Lord,‡ cleric.

*John R—— deposed on 12 : 5 : 1673, that he heard Nath. Wells ask Tho. Mentor whether it was he who told Johnathan Fantton that said Wells used evil language to one of his family, calling names as dog and devil, and he said that it was not. Sworn in court.

†Ann Hunt, aged about fifty-two years, deposed that she being desired by John Kene of Boston to brew him some beer from a parcel of malt that he had bought of Nathl. Piper of Ipswich, as he said, "when I & my men had brewed y^e Beare it stanck so y^t I was much Blamed by y^e said keene, & he told me my vessells or my water was bad & we thought that y^t might be some Cause of y^e badnes of y^t Beare Butt I Brewing a second Brewing of Beare of y^e same mault it proved as bad as the other & also stanck, soe I Brewed the second Brewing over againe & it was all one & stanck in ones throate Like Rotten Edgs & when I had used all the Art I Could to make y^e Beare good & Could not I then wentt to Jn^o Keene & Desired him to let me see y^e mault whereupon he Desired me to goe up y^e Garrett & se y^e mault & I took

‡ Autograph.

y^e mault in my hand & Rubbed it & when it was warme it stanck Like Carrion Like as y^e Beare and y^e said pip^r Coming to s^d Kenes house I asked him why he sold y^e said Keene such A p^rsell of bad Maultt y^t Stanck but he s^d pip^r put it of & said it was good: Furth^r I testify y^e s^d Keene told him y^t he sold it him for good Mault upon his Word & y^e said pip^r Denied it not. Further I testify y^t y^e said Keene was forsed to fling away y^e Beare y^t I brewed for him of that Maultt & it spoyled his Cask alsosoe y^t they stanck when y^e Beare was out. Sworn, Sept. 29, 1673, before Edward Hutchinson,* commissioner.

Thomas Matson, aged about thirty-eight years, deposed that in the summer of 1672, he drawing beer at Mr. Coxes, the beer proving exceedingly bad, asked Mr. Cox the reason of it. He said it was a parcel of malt that he had sent him from Mr. Freakes' order which came from Mr. Nathaniell Piper's vessell, which was so bad he could not make beer of it, so that Mr. Cox was obliged to leave the house to deponent and go about other work to get a living for himself and family. Sworn, Sept. 29, 1673, before Edward Hutchinson,* commissioner.

Robert Smith, aged about twenty-three years, testified that he being Ann Hunt's man, said Hunt being Mr. John Keene's brewer, etc. The beer was so bad that said Keene had to throw it "Down y^e sinck or street." Sworn, Sept. 29, 1673, before Edward Hutchinson,* commissioner.

Richard Woodise, aged about seventy-three years, testified that he bought twenty bushels of malt of Nathll. Piper of Ipswich from his bark for sixpence per bushel, and one of the men told him that it was some of the best malt he had. Sworn, Sept. 29, 1673, before Edward Hutchinson,* commissioner.

Benjamin Smith, aged about sixty years, deposed that he bought malt of said Piper which was bad, etc. Sworn, Sept. 29, 1672, before Edward Hutchinson,* commissioner.

William Wright, aged about sixty-one years, deposed. Sworn, Sept. 29, 1673, before Edw. Hutchinson,* commissioner.

William Goodhue testified. Sworn in court.

Nathaniell Piper's bill of cost, 1li. 9s. 6d.

Robertt Cox, aged about forty-three years, testified. Sworn, Sept. 29, 1673, before Edward Hutchinson,* commissioner.

John Barry, aged about thirty years, and Thomas Newmarch, aged about twenty-four years, deposed that on Aug. 15, 1672, Keane received of Piper 58 bushels of malt, 51 bushels at 4s. per bushel and the other seven were delivered him by order of John Lighten. Said Keane saw the malt and the measure when it was delivered to him in sacks and had his choice of it in the vessel's hold. Sworn in court.

William Wright, sr., aged about sixty-one years, deposed. Sworn, Sept. 29, 1673, before Edward Hutchinson,* commissioner.

* Autograph.

Mr. Henry Roades v. John Ballard. Withdrawn.

Ambrose Mackfation v. Henry Lenard. Review of a case tried at Salem. Verdict for plaintiff, reversal of the former judgment.*

Ambrose Mackfation v. Henry Lenard. Withdrawn.†

Benjamin Lowle v. Capt. Wm. Gerish and Richard Lowle. Withdrawn.‡

Joseph Leigh, attorney of John Leigh v. Wm. Roe. Review of a case tried at Salem in June last. Verdict for defendant, confirmation of the former judgment.§

Robertt Sandford, aged about forty-five years, testified. Sworn, Sept. 29, 1673, before Edward Hutchinson,|| commissioner.

* Writ: Ambrose Mackfashion and John Ramsdell v. Henry Leonard; review; dated Sept. 24, 1673; signed by Robert Lord,|| for the court; and served by Robert Lord,|| marshal of Salem.

Copy of papers in this action brought, 24 : 4 : 1673, in Salem court.

Tho. Looke and Tho. Towers testified that they received of Samuell Leonord and James Hanscomb by Henry Leanord's order, forty cord of wood cut by Daniell Black for Mr. Leonard's use, which wood they had made into coal, and delivered to said Leanord. Sworn in court.

Tho. Looke and James Carr testified that the cart which brought the collier's brands, evidenced at Salem court, was the same in which they carry mine and will not hold above the fourth part of a load for four oxen. Sworn in court.

† Writ: Ambrose Mackfation v. Henry Leonard; debt; dated Sept. 22, 1673, signed by Robert Lord,|| for the court; and served by Robert Lord,|| marshal of Ipswich.

John Bregges and John How deposed that they heard Mr. Lenord say that he and Makfasan had settled accounts, etc. Sworn in court.

‡ Copy of record of the Court of Assistants, Sept. 2, 1673, in this action, appealed from the Ipswich court, with verdict for defendant, confirmation of the former judgment, etc. Copy made by Edward Rawson,|| secretary.

Copy of the original receipt given by Capt. Daniell Perce to Jo. Woodbridg, commissioner: "Recived uppon acc^t the 12th day of 10th m^o 54 of Ann Millard the whole estate belonging vnto Benjamin Lowle and Elizabeth Lowle and we wholly discharge the sayd Ann Millard of all demands on this acc^t the overseers have wittnesed this the day & yeare above written. Wm. Gerish, Rich. Lowle and Abr. Topan."

§ Writ, dated July 7, 1673, signed by Robert Lord,|| for the court, and served by Theophilus Wilson,|| constable of Ipswich. Bond of Samuell Graves.||

|| Autograph.

Copy of papers in this action, brought in the Salem court last past, made by Hilliard Veren,* cleric.

William Mancefeld, aged about twenty-seven years, deposed that he had been in the company of William Rowe several times and had seen disorderly carriages by said Rowe toward his wife. He had also observed the woman's behavior when she was at the Iles ashoules and never saw her carry herself badly toward him unless he provoked her. Deponent was in his company where there were others merrily disposed and Row desired John Hollande to go and persuade his wife to come and he would go and bring Holland's wife. Rowe by force took Holland's wife out of her bed and brought her into the company, and deponent and some others of the company saluted William Row's wife, she being a stranger, upon which Rowe showed much dissatisfaction for some days after, which much troubled his wife. Rowe was very jealous of her if any man showed respect to her, came to his house or kissed her. Sworn, Sept. 19, 1673, before Peter Twisden,* commissioner.

Thomas Giddinge, aged about thirty-seven years, testified that he with a salutation wished her much joy "whereupon I perseaued her husband Looked Very angrily one me: and unles it ware a man whoes hart: ware afier throw a Jealous Sperit of his wife (I thinke Under fauior) he could not haue caried it worse, for once affter he tould me: he herd that: I was hisemie: and one night Coming one the meeting house hill: the wife of goodman Sparks herd him, the said Row, call to me: ho you giddings; Ide wish you & others to meddle w^t that you haue to doe w^t or I haue that in my pockit will doe your bisnes for you: in a verie threattning maner." Sworn in court.

Declaration of John Leigh,* by his attorney Joseph Leigh: that he was not guilty of alienation of his wife's affections because Row's wife had little affection for her husband; that Row was made uncomfortable was on account of his great jealousy, and that if "through the Effects of his Jelosy his Lif is made uncomfortable soe that we conceiue if he would obtain a comfortable life he must gett his sperit free from Jelosy as we conceiue that were a better way then to sue John Leigh for it."

William Row's answer to the declaration.

Elizebeth, wife of Thomas Peren, aged about forty years, deposed that Sarah Row told her that she loved her husband as much as other women, etc. Sworn in court.

Elizebeth Binmore, aged twenty-seven years, deposed that coming from the Iles of Shols to Ipswich with Sarah Row, she told her that she would go back again with her and when "wee had bound oure Cloths up in Reddynesse to go to the Iles of Shols she the said Row went out of dors to Saml. Younglous House, and shee staying longer then ordnary I went to Her and thare

* Autograph.

I found Jn^o leegh and Sarrah Row together and I asked Sarrah Row whether shee would go to the Ilands with me shee said shee thought shee should and leegh tould her hee thought shee had no busynesse thare, so Sarrah Row asked Jn^o leegh to lend Her twenty shill & he said Maddam if you will go with me he Had forty at Her seruis, so they went out of dores together so I went to her fathers House againe, and then the said Sarrah came sone after to me to her fathers House, and I asked her whether shee would go to the Ilands along with me and shee said her mind was altered for going, and Her mother asked Her whether shee could go to a better place then to her Husband, and shee answered shee would not go to the Ils of Shols now if shee had twenty Husbands." Sworn in court.

Edward Nealand, aged thirty years, testified that he lived at Mr. Hubbert's long before and after Sarah Roe was married and that she would rather be in Leigh's company than Roe's. One night when Roe came to see her, she would not let him in, but stayed in the house with deponent and John Leigh. Some of Mr. Wade's family told deponent the next day that William Roe walked all that night in Mr. Hubberts' orchard. After Sarah was published to Row, deponent saw a letter which she had written to send to him telling him not to come any more to her, for she could never marry him. Also at a meeting at Giles Coes' house, where Sarah and Roe were with a merry company, she told deponent that Roe was a silly cur and she could not endure him, and three or four days after, she seemed to be much troubled and said that her husband was the most clownish block-head fellow she ever saw, and was so jealous that she thought she should never abide him. The day before her marriage, deponent told her that he was bade to invite John Leigh to her wedding, but she desired not to do so, for if Leigh were there she should not be able to take Willm. Roe. Later when deponent went to talk with her about what he had heard concerning her treatment of her husband, she told him how Roe had behaved, and asked deponent how a woman could love a man who carried himself as he did. Sworn in court.

Sarah Row, aged about twenty years, deposed that "after I was published to the sd. Row I recanted in my own minde & soon after would haue broken of the marriage with him, but for feare of displeasing my parents & to that end I got a young maide that liued in the house with mee to write a letter to him to desire him to come noe more to mee, because I founde I could not loue him; but my Father would not let mee send it. Secondly after my Marriage I testify that John Leigh never came into my Company nor entred into any discourse with mee, till I gave him occasion by telling him what greivance I met with in him to whome I was married, which I know was the onely occasion of his being afterwards soe much in my Company: And my disatisfaction to my husband proceeded from other causes & not

John Godfry v. Edward Clarke. Review. Verdict for defendant. Appealed to the next Court of Assistants.*

John Godfry v. Edward Clarke. Debt. Verdict for plaintiff.

Wm. Story v. Ruth White, administratrix of the estate of Tho. White. Debt. Verdict for defendant.

Obadiah Bridges v. Jonas Gregory. Debt. Withdrawn.

Samuell Lenard v. James Cary. Withdrawn.

Mr. Robert Paine v. Thomas Andrews. Debt. Nonsuited.

Daniell Black v. Henry Lenard. Debt. Verdict for plaintiff.†

John West v. Ruth White, relict of Thomas White. Review. Withdrawn.

Samuell Poore, Daniell Cheney, Sam. Bartlett and Moses Pilsbery took the freeman's oath.

Jonas Gregory acknowledged judgment to Mr. Robert Paine in barley and Indian corn.

Daniell Wickam was bound for Samuell Smith's appearance.

Joseph Leigh was bound for John Leigh's appearance.

Andrew Peeters was licensed to still and sell liquors out of doors by the quart.

John Roberts was discharged of his bond for good behavior.

Henry Salter, for running away twice and stealing, was sen-

John Leighs insinuating into my affections, as is by many supposed, as namely by his jealousy & other carriages at the Isles of Shoales of like nature, to my greivance & great provocation. Sworn, Sept. 26, 1673, before John Leverett,‡ Gov., who sent the deposition to Mr. Lord of Ipswich, sealed with his seal, and dated, 26 : 7 : 1673, at Boston.

Elizabeth Fuller, aged about seventeen years, testified that she was at work at Mr. Hubbard's where Sarah Roe was, etc. Sworn in court.

John Fabes§ certified at the Isle of Shoales, Sept. 27, 1673, that William Roe and his wife lived in his house when they were at the Shoales and appeared contented, etc. Sworn before Peter Twisden.§

* Writ, dated June 29, 1673, signed by Anthony Somerby,§ for the court, and served by Henry Skerry,§ marshal of Salem. Bond of John Gould§ and Edward Clarke.§

† Writ, dated Sept. 23, 1673, signed by Robert Lord,§ for the court, and served by John Gould,§ deputy for Robert Lord,§ marshal of Ipswich, who read the attachment to Lenard's son Samuel.

‡ Autograph and seal.

§ Autograph

tenced to be whipped and wear a lock on his leg and to pay treble damages to those he stole from: to Joseph Proecker, 4li. 12s., to Tho. Thurla, to have his shirt again and 10s., and to pay charges to the constable of Dover, 35s., in money and to be imprisoned until it be paid, to Joseph Leigh, for his charges, 25s., and to the keeper, 7s. 6d.

Richard Gouldsmith dying intestate, court granted administration of his estate to Mary Gouldsmith, the widow, who brought in an inventory of the estate amounting to 15li., clear. Court ordered that the estate remain in her hands.

John Pearce and Elizabeth his wife, for uncleanness before marriage, were ordered to be whipped or pay a fine of 20 nobles.*

Upon complaint against John Leigh for several great offences, and he being bound to good behavior, his bond was moderated to 15li.†

Anthony Morse was fined upon his presentment.

Daniell Clarke was fined.

Samuell Pepin was fined for not assisting the constable.

Tho. Menter was admonished upon his presentment.‡

Rich. Pasmore was admonished upon his presentment.‡

*Clement Coldam, aged about fifty years, deposed that on Sept. 10, last, hearing that John Pearce was accustomed to take the widow Stanard to his house at night and she was seen to go away in the morning, deponent went to Pearce's house and looked in at the window, etc. He called Anthony Dey and Deacon Steevens, and they saw enough to warrant a complaint against said Pearce, etc. Sworn in court.

†Thomas Wait, aged about twenty-one years, deposed that he heard Goody Hount say at her house that Elesebeth Woodward was with child and that John Lee was the father of it. Sworn in court.

Samuel Hunt and his wife and Elizabeth Redington testified that Margritt Lambard came to their house "of a sleevelesse maids arand," which was to get some scouring sand, and discoursing about a sheep, Hunt's wife began to blame her for some uncomely carriages which she had noticed in said Lombard and others of the neighborhood. Margritt said that these stories were as true as what Goodwife Hunt had told about Betty Woodward, and said Hunt declared that she had never spoken so of said Woodward. Sworn in court.

‡John Line, aged about twenty-three years, deposed that being at Mr. Simonds' house when Nathaniell Wells was examined

Peeter Lacrois was admonished for breach of the Saboth.

Thomas Attwood and his wife, presented for fornication, were sentenced to be whipped unless they pay a fine of 4li.

John Baker, being returned by Major Genrll. Denison for selling strong beer to the Indians, confessed that they had from some of his family two quarts, and was fined, 40s. to be paid presently and the other 40s. allowed to Mr. Baker, sr. It was Henry Gould who sold beer to the Indians contrary to his master's command.

Quartermaster Perkins' license was renewed for a year, also his license for liquors renewed for a year.

John Sparke had his license renewed for a year.

Nath. Wells, for abusive speeches to his servants, was fined.*

about Johnathan Fantons complaint, said Wells told that John Bridge had complained of him to the Major some years ago for some of the same things that he was now accused of. Also that "Tho. Menttor, being summoned by John Bridg as a witness against his master Wells & that then the said mentor denied the said Bridg his charge against the said Wells wherby Nath. Wells was cleared and mentor being asked how he could tender to swear to that now: which he had formerly as a witness denied before the major: and Tho. mentter answered before mr. simonds that it was because I Goodman Wells had threatened him as they went to towne to the majers: that if he witnessed any thing against the said wells: he would break his boons & therefore he denied that befor the magor that he would testify now." John Ring testified to the same. Sworn in court.

Lionel Epps deposed that last Saturday as he was going from the room when divers were censured for breach of the Sabbath, he heard Thomas Minter say that he would either fight Nathaniel Wells or be even with him before "this day seavennight at night." And Jonathan Fanton said presently if Minter said nothing but what he would stand to, that he would stand by him. Martha Epps testified to the same. Sworn in court.

Thomas Waite sr., deposed that Thomas Mentor had carried himself very irreverently and unchristianlike upon Sabbath days in the time of worship, by "setting with his hatt upon his head in the time of prayer or soe little off as scarce desernable, by talking, by laughing and allmost all the time of worship whispering with those that are like himself and also with very little boayes to the ill example of youth," also by snatching away their posies or flowers from their bosoms. He also deposed that Richard Passmore was guilty of the same misconduct, except sitting with his hat on in time of prayer.

*Thomas Baker, aged about twenty-five years, deposed that

Samuell Smith, for fornication, was sentenced to be whipped or pay a fine.

Hanah Button, for fornication, was sentenced to be whipped or pay a fine.

John Denison was released from training, paying 5s. a year.

Upon petition of John Leigh, court respitted 5li. of the 15li., until court took further order.

John Leigh was bound to be of good behavior and not to go in company with Sarah Roe.

Joseph Fowler being complained of by Tho. Belancher for beating him, the court sitting and he appearing all bloody and sorely beaten, and it being proved by several testimonies that Fowler had thrown him down in the street and struck him several blows, court considered divers circumstances, the act being done in the face of the court then sitting, and said Fowler denying and by all means evading and shifting the matter. Court ordered that he be severely whipped unless he pay 3li. in money to the country and 10s. to said Blancher for the injury done to him.*

he heard Nathaniell Wells use very unseemly speeches and call John Bridge old rogue, old witch, and old wizard, and when deponent was his servant, in 1672, he called him base rogue and French dog when he asked for what was due him. Sworn in court.

*John Shatsell, aged about twenty-two years, deposed that he was going home and when between the court house and Goodman Chapman's, he heard a noise and stood still to hear who it was. It was Thomase Blancher and Joseph Fowler, and laying his hand on Fowler, deponent asked whither he was going and he replied that Blancher challenged him to fight. Blancher replied, "aye, aye, Come: Come: lette hime goe," then went a little further and Fowler followed and struck at him and so to fighting they went. Fowler threw him down and deponent took hold of Fowler to pull him off, and the latter said Blancher was holding him by the hair. Then Edward Chapman came and deponent left Blancher lying on the ground, and Chapman took him up and asked him to go along with him. Sworn in court.

Jno. Chapman deposed that when he came out at their gate with his mother and aunt Quilter, he saw Philip Fowler and they went toward the men fighting, etc. After deponent's father came he saw nobody strike Blancher, and after they were through fighting he saw Phillip Fowler have two hats in his hand. Sworn in court.

Thomas Lull deposed that Philip Fowler gave his brother Joseph his hat and told him to be gone and also asked deponent to say nothing about what he had seen. Sworn in court.

Phillip Fowler, being proved accessory to the fact and endeavoring to conceal the same, was fined.

Given to the house, 10s.

Inventory of the estate of John Wright, taken by Edward Bragg, amounted to 38li. in fish. [Original on file in the Registry of Probate.]

Will of John Merrill of Newbury, dated Sept. 8, 1670, proved upon oath of the witnesses, Henry Sewall and Wm. Chandler. [Original on file in the Registry of Probate.]

Inventory of the estate of John Merrill, who deceased Sept. 12, 1673, appraised Sept. 13, 1673, by Henry Sewall, Archelaus Woodman and Joseph Hills, and allowed upon oath of Elizabeth, the widow, amounting to 379li. 12s. [Original on file in the Registry of Probate.]

Agreement for the division of the estate of Philip Stainewood, between Jane, the widow, now Jane Pearce, and her children, Philip, John and several others, allowed. [Original on file in the Registry of Probate.]

Inventory of the estate of Richard Gouldsmith, taken May 26, 1673, by John Abye, sr., and Walter Fairefield, and allowed upon oath of Mary, the widow, amounting to 17li. 16s. 8d. clear estate. [Original on file in the Registry of Probate.]

Robert Holmes of Newbury dying intestate, administration upon the estate was granted, Oct. 9, 1673, to Hester, the widow.

Inventory of the estate of Robert Holmes of Newbury, who deceased Sept. 17, 1673, taken by Benjamyn Lowle and Anthony Somerby, Sept. 21, 1673, and allowed, Oct. 9, 1673, by Hester, the widow.

COURT HELD AT HAMPTON, 14 : 8 : 1673.

The Worshipfull Daniell Gookin, Esqr., president; Major Robert Pike, Capt. Nathl. Saltonstall and Mr. Samll. Dalton, associates.

Grand jury: Leift. Benjamin Swett, foreman, John Dickison, John Stevens, Henry Browne, Peter Eyer, John Jonson, Leift.

Dority Chapman, aged about thirty-seven years, deposed that her husband, etc. Sworn in court.

Frances Quillter, aged about forty years, deposed that she asked her brother Chapman to part them, etc. Sworn in court.

Phillip Challis, Richard Currier, Robert Page, Thomas Sleeper, Christopher Palmer and Robert Smart.

Jury of trials: Leift. John Gillman, foreman, Leift. Ralfe Hall, Jno. Clough, John Eaton, John Easman, Thomas Barnard, Thomas Currier, Robert Swan, Daniell Ladd, Abraham Perkins, William Fuller, Thomas Ward and Nathll. Batcheller.

Wm. Sterling of Haverhill was fined for not appearing to serve on the jury.

Accidental jurymen impanelled: John Hoyt, jr., Andrew Grele, John Haseltine, Ephraim Winsly, Mr. Tho. Woodbridg and Mr. Tho. Norman.

John Clough v. Thomas Philbrick. Appeal from a judgment of the commissioners of Hampton for ending small cases, May 29, 1673, in a case of replevin of nine cows impounded. Verdict for defendant, the confirmation of the former judgment.*

George Martin v. Abraham Drake. For refusing satisfaction for an execution levied by him as deputy marshal general to Nathaniell Winsly, tended to him in land, and for carrying said Martyn to prison and keeping him in Hampton prison many days, contrary to law. Verdict for plaintiff.

Georg Martyn v. Nathll. Winsley. For refusing satisfaction for an execution tendered him in land and for putting him in prison. Verdict for plaintiff. Appealed to the next Court of Assistants. Nathll. Winsley and Ephraim Winsly bound.

George Martyn and Susana, his wife v. Nathll. Winsly and

*Copy of the bond of John Clough, sr., and John Severns, owned in court, 29 : 3 : 1673, before Samll. Dalton,† commissioner, who also made the copy.

The following abstract is taken from a private record kept by Samuel Dalton, one of the commissioners of Hampton to end small cases, from 1673-1680. His position was similar to that of a trial justice of the present time, from whose judgment appeals were taken to the Quarterly courts. During this period, these records will be printed in connection with the Hampton and Salisbury courts, in chronological order. The original volume is now preserved in the State Archives, Concord, N. H.:

On 29 : 3 : 1673, Abraham Chase, making a bold attempt when the commissioners were seated in the meeting house, by firing off a pistol in at the window, burning a hole in the collers and breaking down some of the glass, whereby some of those who stood near were in danger, was fined.

On 11 : 4 : 1673, Humphrie Wilson was sworn constable of Exeter.

On 12 : 4 : 1673, Andrew Grely, jr., and Sarah Browne were married by Samuel Dalton.

On — : 8 : 1673, William More and Mary Veasey were married by Samuel Dalton.

On July 7, 1673, Ensign John Samborn and Moris Hobes presented a complaint against Abraham Chase upon suspicion of theft for conveying a load of red oak hogshead staves from off Hampton commons, near the old saw mill on June 1 last. Judgment for said Chase to pay 10s. to the town.

† Autograph.

Mary, his wife. Review of an action formerly tried in Hampton court, Oct. 10, 1671, commenced by said Martyn against Winsly, for illegally possessing and withholding houses, lands, chattels goods and other estate belonging to plaintiff, as being their proportion of the estate of Richard North, deceased, father of said Susanna Martyn, all which defendants withhold under color of a "pretended nonsense will" made about twenty years before the death of said North, under pretence of which Ursula North assumed a right to possess and dispose of the estate to defendants. Special verdict found. If Richard North's will be legal and legally proved and Ursula, his wife, had power to dispose of the land, they found for defendant, if not, for plaintiff. Court judged the will to be legal. Appealed to the next Court of Assistants. George Martyn and Joseph Lancaster, both of Amsbery, bound.*

Mr. Peter Coffyn v. Christopher Palmer. Debt. For 7,000 feet of merchantable pine board, which should have been paid at Mr. Hilton's mill. Verdict for plaintiff.

Mr. Peter Coffyn v. Major Robert Pike, Cornet Jno. Severans and Corporall Christopher Palmer, in behalf of the troop of Norfolk. For withholding a debt of 13li. 10s. due him for a barrel of powder and for diet and other provisions supplied the troop when they met at a general training at Boston in July, about nine years since. Verdict for plaintiff.

Joseph Peasley v. Wm. Barnes. Debt. To be paid either in one barrel of pork or twenty bushels of Indian corn and 5 C. of nails as per bill dated May 14, 1673. Verdict for plaintiff.

Mr. Henry Dearing v. Charles Hillton. Debt. For withholding 45li. sterling in current money in New England, the forfeiture of a bond for non-payment of 8,800 of good merchantable white oak pipe staves. Withdrawn.

Charles Hilton acknowledged judgment in white oak pipe-staves to Mr. Henry Dearing.

*Thomas (his mark) Jones of Gloster, formerly called Cape Ann, certified that he had received of Ursula North of Salisbury, widow, 5li., it being a legacy given his wife Mary, by her father Richard North of Salisbury, late deceased, said Ursula being executrix of the estate. Wit: Tho. Bradbury† and William Bradbury.† Sworn by the witnesses at Salisbury court, Apr. 29, 1673, and recorded in Norfolk county records, liber 2, p. 292, May 3, 1673, by Tho. Bradbury,† rec.

† Autograph.

Robert Smart of Exiter acknowledged judgment to Mr. Henry Dearing to be delivered at Lampreele river landing place.

Phillip Grele v. Samll. Fowler. Review of a case tried at the last Salisbury court in an action of trespass for cutting down his timber on a lot formerly belonging to the common right of Lewis Hulett and claiming a right to said land and commonage, which Fowler bought of Richard Currier. Verdict for defendant. Appealed to the next Court of Assistants. Phillip Grele and Andrew Grele, both of Salisbury, bound.

Mr. Thomas Bradbury v. Mr. William Hooke. Debt. To be paid in neat cattle or corn. Verdict for plaintiff.

Mr. Francis Weinright v. Andrew Samson. For withholding a debt in cod fish, two ryalls under price current, per quintal. Withdrawn.

Andrew Samson acknowledged judgment to Francis Weinright.

John Samborne and Morris Hobbs, in behalf of the town of Hampton v. Daniell Tilton. Trespass. For fencing and breaking up a part of Hampton commons, four or five acres upon a plain near Tayler's river above the old saw mill, and for claiming the same without any grant from the town of Hampton. Verdict for defendant. Appealed to the next Court of Assistants. John Samborne and Morris Hobbs, both of Hampton, bound.*

John Samborn, Edward Colcord and Morris Hobbs, in behalf of the town of Hampton v. John Redman, sr., and Sabina, his wife, as executrix to the last will of Willi. Marston, sr. Trespass. For said Marston building upon, fencing and improving some of Hampton commons on the north side of Little Bore's head near the pond there, after being legally forewarned by the town, the executrix still keeping the same in possession and refusing to surrender it, and for claiming it by living upon it and putting it into her husband, Willi. Marstons sr.'s, inventory as his land or meadow, without any grant to Marston or to any one else from

*Writ, dated 8 : 8 : 1673, signed by Samll. Dalton,† for the court, and served by Abraham Drake,† marshal of Norfolk.

Daniell Tilton's bill of cost.

John Sambourn, sr., Moris Hobs and Henry Dow testified that Daniell Tilton owned that he fenced the land in controversy. Sworn in court.

† Autograph.

the town. Defendant objected that neither his person nor any of his estate was attached. Verdict for defendant.*

John Brown, sr. v. Thomas Marston and Nathll. Batcheller, prudential men of Hampton. For refusing to lay him out and make good a highway to his farm in Hampton bounds toward Salisbury. Verdict for defendant.

Moses Gillman v. John Pudney. Debt. Due said Gillman as appears by a bill under the hand of said Putney and Richard Pillford, for not performing a bargain of fencing for plaintiff at Exiter, which should have been set up about thirteen or fourteen years ago. Withdrawn.

Robert Evens or his attorney v. Henry Roby and Nathll. Boulter. Debt. For ten pounds due per bond for not prosecuting their appeal at the Court of Assistants in March, 1672. Verdict for plaintiff. Appealed to the next Court of Assistants. Henry Roby, Nathll. Boulter and Christopher Palmer bound.

Edward Colcord v. Jno. Stanian and Henry Roby. For prosecuting an illegal warrant or execution. Verdict for plaintiff. Appealed to the next Court of Assistants. John Stanian, Henry Roby and Christopher Palmer bound.

Mr. John Gillman and John Young & Co. v. John Samborne and Henry Roby. Review of a case tried at Salisbury court in 1670, concerning the title of a tract of land at Bride hill near the country highway. Agreed by both parties to refer the case to the bench. The bench found for defendant.

Major Robert Pike v. Edward Gove. Trespass. For cutting and carrying away his wood or timber upon this land, thereby endeavoring to disparage his title by claiming it to be his, said land being the second lot in number of Hall's farm and lands adjacent and called by the name of Cobham's, in Salisbury. Special verdict found. If Andrew Grele and John Ilsly taking pay of Major Pike for the lot which was called Cobham's gives Major Pike a legal right, they find for plaintiff, if not, for defendant. Court found for defendant. Appealed to the next Court of Assistants. Major Pike of Salisbury, and Wm. Samborne of Hampton bound.

Joseph Severans v. Timothy Batt. For false imprisonment upon pretence of a debt, when there was no debt due. Verdict

*Bill of cost of John Samborn, Edward Colcord and Moris Hobs.

for plaintiff. Appealed to the next Court of Assistants. Mr. Tho. Norman, attorney to Timothy Batt, and Edward Colcord bound.

Major Pike of Salisbury, attorney to Mr. Bartholemew Collier of London, merchant v. Richard White. Breach of a bond of 180li. dated Aug. 24, 1659, to be paid to Mr. Samll. Hall of Salisbury for the use of said Collier, in fish at the Isle of Scholes. Verdict for defendant.

Phillip Towle, assignee of Edward Clarke v. Daniell Hendrick, sr., and Jonath. Hendrick. Debt. In corn or cattle, in consideration of a horse which said Hendrick bought of plaintiff. Withdrawn.

Samll. Shepherd of Haverhill acknowledged judgment to Mr. Samll. Dalton, to be paid in Indian corn.

Robert Jones and Phillip Grele acknowledged judgment to Mr. Henry Deering, to be paid in pine board.

John Severans, sr., and Joseph Severans were bound for the latter's appearance.

John Godfrey appeared in court to answer two attachments served upon him by Edward Clarke and one attachment served upon him by Abraham Witticker.

Thomas Ward of Hampton and Richard Currier of Amsbury, administrators of the estate of Giles Fuller, were bound for appearance at the next Hampton court, when they were to have the estate ready to be disposed of according to court's order.

Anthony Tayler was sworn constable of Hampton.

Administration upon the estate of Nicolas Smith of Exiter, late deceased, was granted to Mary Smith, the widow.

Nathll. Griffyn of Salisbury, joiner, convicted of misdemeanors in fighting with Robert Downer and being at Benjamin Collins' house at an unseasonable time of night, where there was much miscarriage, was sentenced to pay a fine of 10s.

Joseph Severans, being convicted before this court for speaking words in a boasting manner of his lascivious and unclean practices, was sentenced as follows: that he shall stand at the meeting house door at Hampton, half an hour before the lecture with this inscription written in capital letters pinned upon his breast, "THIS PERSON IS CONVICTED FOR SPEAKING WORDS IN A BOASTING MANNER OF HIS LASCIVIOUS & UN-CLEANE PRACTICES." He was also fined and bound to good

behavior and to appear at the next Salisbury court. Joseph Severans, John Severans, sr., and John Stanian bound.

Concerning the estate of John Dowe of Haverhill, court ordered that after the debts are paid, the remainder be equally divided between John Dowe's widow and his son. Samll. Shepherd of Haverhill and Onesephorus Page of Salisbury bound.

Court being informed that there was no watchhouse at Salisbury, the town was ordered to provide one before Mar. 1 next or pay a fine of 5li.

Capt. Saltonstall was granted liberty until Salisbury court next to perfect Button's inventory.

Robert Smith was dismissed from all ordinary trainings, allowing to the military company of Hampton 4s. per annum.

Upon complaint of the aged widow Tuck that she wants necessary comforts and that John Samborn, administrator of her late husband Robert Tuck's estate does not take due care for her, though there is sufficient estate to do it, it was ordered that the selectmen of Hampton see that she has all necessary supplies, and the administrator was ordered to pay the same out of the estate, with power to sell land, if necessary.

Marshal Drake was to have 5li. for his services.

Mr. Dalton was ordered to take security of Teague Disco of 40li. and a mortgage of his land to answer an accusation made against him by the servant of Moses Gillman of Exiter named Mary Parker, who declared that she is with child by him. If he failed to give security, he was to be committed to prison. Mr. Dalton was also to take Mary Parker's testimony.

Abraham Drake, upon his motion, was freed from the office of marshal, and Henry Dowe of Hampton was appointed and sworn marshal of Norfolk, Oct. 18, 1673. Marshal Drake was continued in his place for the execution of warrants already in his hand.

John Young was discharged of his bond for good behavior.

Cornelius Crobo was discharged from all trainings and watchings, but he was to allow two days' work yearly to the military company of Exiter, if the chief officer shall require the same.

Court ordered that the administrator of the estate of Matthias Button shall improve the estate according to his discretion by letting it out or changing it into other specie, taking sufficient security.

Court ordered that the maintenance of the child of Judeth Robie by John Young shall be continued until the next Salisbury court.

Samll. Dalton, treasurer, presented the constable of Exiter, Edward Smithe, for not clearing his accounts as the law requires, 14 : 8 : 1673, and Smithe was fined 40s. by Daniell Gookin, president.

Major Robert Pike and Mr. Thomas Bradbury ordered a county rate of 50li. to be made.

On Sept. 1, 1673, at the desire of Mary Andros, widow of Jededia Andros, administration upon his estate was granted her until the next Hampton court, by Major Pike and Mr. Samll. Dalton.

Edward Gove was to appear at Salisbury court next to answer to his bond for good behavior.

Writ: Edward Clarke of Haverhill v. John Godfery; debt; dated June 23, 1673; signed by Nath. Saltonstall,* for the court; and served by John Bond,* constable of Haverhill.

Bond, dated Sept. 5, 1673, given by John (his mark) Godfry of Salem, for appearance on complaint of Edward Clark. Wit: John Willeme* and Johefe Bond.

Execution, dated May 23, 1673, against Nathl. Boulter, to satisfy judgment granted Jonathan Thing, Henry Moulton and Tho. Bradbury at Salisbury court, April 8, 1673, signed by Tho. Bradbury,* for the court. No return made.

Execution, not signed, dated May 1, 1673, against Henry Roby and Nathl. Boulter, to satisfy judgment granted Robert Evens at Hampton court, 8 : 8 : 1672. No return made.

At a General Court held at Boston, Sept. 30, 1653, in answer to the request of the deputy of Hampton, it was ordered that the return of the commissioners appointed to lay out the west end of Hampton bounds be recorded, and was approved as follows: "We whose names are here under written being chosen by the Gen^l Court to lay out the west end of Hampton bounds upon our best Information Haue concluded that y^e west line shall Run from the Extent of the line formerly agreed upon to come within two mils of Exiter meeting House upon a direct line to that part of ass brooke where the highway goes ouer and from thence upon a direct line so as to leue exiter false a mile and a Half due north of the same and frome thence upon a west and by north line as far as the uttmost extent of Salsbery That was we intended the fals att the towne bridg. Samuel winsly, Tho. Bradbury, Robard Pike." Copy made by Edward Rawson, secretary. This copy of a copy taken from Salisbury court records by Tho. Bradbury,* rec.

* Autograph.

John Redman, sr., aged about fifty-six years, deposed that some years since the town of Hampton sued Nathaniell Boulter and the town's attorney, John Samborn, and deponent and they had a fair trial at the Court of Assistants by appeal. It was concerning a parcel of land up Tailer's river near the Indian graves, called by the name of Wals farm. Sworn, 14 : 8 : 1673, at Hampton court.

Joseph Peasly, aged about twenty-six years, deposed that the "last second day was a week ago," about Oct. 6, he was at Major Piks' house at Salisbury on some business in the evening. Efrim Seuerns was there giving his oath to something. That evening they were together husking at Sarjant Steuenses, and deponent asked Efrim who he was giving his evidence against and he said Richard Carr and Lucy Smith. He said he had not been called by authority, but that his mistriss Carr would have troubled him for what he had told about, and therefore he gave his oath to secure himself. In the evening, said Seuernes made "a sport & geme as wee use to say," of his oath. Sworn in court.

Seaborn Cotton and John Gillman, sr., deposed that sometime last March, some friends being desired to meet at Goodman Thing's house in Exceter to attempt to make an end of sundry differences between Goodman Thing and Goodman Boulter, relating to Thomas King's estate. At that time they heard Goodman Boulter produce something like an account of widow King's expenses, but they could not agree. Sworn in court.

Letter of attorney, dated Apr. 7, 1673, from George Corlis* to Danll. Ela, to prosecute against the administrators of the estate of Joseph Davis. Wit: Thomas Estman* and Thomas Dustan.* Sworn, Apr. 7, 1673, by the witnesses, before Nath. Saltonstall,* commissioner.

Jno. Samborn, aged about forty-eight years, and Samll. Dalton, aged about thirty-eight years, deposed that about two years ago he and Tho. Ward were empowered by the selectmen of Hampton to end a difference between Nathll. Boulter and the town, and to satisfy him in land for what he had recovered against the town. At the time appointed, Tho. Ward not coming on account of much rain and foul weather, they drew up a writing and signed it, later asking Goodman Ward to subscribe. Boulter desired the tract of land from the northeast corner of Robert Page's land to the northwest corner of Phillip Towle's land on a straight line, and all the common land down to the meadows to the southward of that line. To this proposition they consented. Sworn, 14 : 2 : 1668, at Salisbury court. Copy made by Tho. Bradbury,* rec.

Robert Lord,* cleric, certified that Thomas Tewxbery appeared at Ipswich court, Sept. 30, 1673, according to a warrant and order of Salisbury court, by the advice, as he said, of Mr. Bradbury.

* Autograph.

Summons, without date, to Ben Collis for appearance at Salisbury court, Apr. 29, 1673, upon his presentment for entertaining several persons at his house at unseasonable time of the night in drinking, whereby other abusive carriages were committed, also to Robert Downer and Nat. Griffin, for fighting at Ben. Collis' (also, Collins) house, and to witnesses, Joseph True and Jno. Bradbury, signed by Tho. Bradbury,* for the court, and served by Henny Browne,* constable of Salisbury, who notified all except Nathaniel Griffing, who could not be found.

Georg Corlis' bill of cost.

Copy of deed, dated Apr. 16, 1657, Josiah Cobham of Salisbury, planter, to Edward Gove of Salisbury, bachelor, a right of commonage granted by the town of Salisbury. Wit: Samll. Hall and Joseph (his mark) Fletcher. Acknowledged, Apr. 14, 1657, and recorded 24 : 12 : 1659. Copy made by Tho. Bradbury,* rec.

Deed, dated May 11, —, Nath. Boulter,† of Hampton, in consideration of the right of Christopher Palmer of Hampton in a parcel of land mortgaged to said Palmer by Edward Colcord of Hampton, which land lay between the land of Philip Towell and Thomas Ward, both of Hampton, abutting upon the mill brook, as granted to William Howard, said land having been assigned by Palmer to Boulter, sold the half of his right in the upland and meadow which he bought of John Barret to said Palmer. Wit: Seaborne Cotton* and Dorothy Cotton.* Acknowledged, 8 : 8 : 1672, at Hampton court.

Copy of the records of the selectmen of Hampton, Apr. 2, 1666, that "Ensigne Jn^o Samborn Sam^{ll} Dalton & Tho: Ward are indifferently chosen by y^e sd Select men & Nath^{ll} Boulter to veiuie a certaine pcell of upland & to satisfie y^e sd Nath^{ll} Boulter for his Execucon w^{ch} hee haue against y^e towne of Hampton; & to lay out & bound y^e land to y^e sd Nath^{ll} Boulter & to see to gett an acquittance of Him & wee giue them full power to satisfie him for his judgm^t or Execucon." Signed by Abraham Perkins, Anthony Tayler, John Redman and Henry Dowe. Copy made by Tho. Bradbury,* rec.

Receipt, dated Apr. 20, 1665, given by Thomas (his mark) King to John Seavernes of Saulsbery, for 8li. 5s. for the use of Nathaniell Boulter, of which Corporall Christ. Pamer's 20s. is some of it. Wit: John Samborne.* Sworn, 8 : 3 : 1672, in Hampton court. Hudson Leverett deposed that he wrote the receipt and saw said King make his mark. Sworn at Boston, before Thomas Clarke,* commissioner.

Bond, dated May 14, —, William (his mark) Burns and Isaac Cole to Joseph —, for 3li. 14s. 3d., to be paid in one barrel of pork, 20 bushels of Indian corn, 5 C. of nails, etc. Wit: Richard Marten* and Christifor (his mark) Cole. Sworn in court.

* Autograph.

† Autograph and seal.

COURT HELD AT SALEM, 25 : 9 : 1673.

The Worshipfull Major Hathorne adjourned the court to 26 : 9 : 1673.

Bond, dated Apr. 3, 1672, Ralph Hall* of Exeter to Henry Roby and Nathaniall Boulter of Hamton, for 6,000 pine boards at waterside. Wit: Jonathan Thing, jr.,* and Edward Gillman.* Sworn by the witnesses, 5 : 2 : 1673, before Saml. Dalton,* commissioner.

Samll. Dalton, Christopher Hussey, Samll. Fogg, Giles Fuller, Willi. Fuller and Nathll. Batcheller, having been present at a meeting of the selectmen of Hampton, Mar. 2, 1664-5, testified, 3 : 1 : 1664-5, that Jno. Redman and Ensigne Jno. Samborn, attorneys for the town of Hampton, had a conference with Nathll. Boulter, and they agreed to take the cause to the Court of Assistants, that the title of the land might be determined in a legal way. Jno. Redman and Jno. Samborn deposed that they were present, etc. Copy made by Edw. Rawson, secretary, and a copy of this copy taken from Salisbury court records by Tho. Bradbury,* rec.

Ric. Pettingell, aged about fifty-two years, deposed that "I being very well acquainted wth Giles Fuller of Hampton deceased & wth m^r Fuller of Bastable docter, both in old England & here in new england & both told mee they were of Kinn: & y^e sd Giles Fuller haue told mee in old England & new that Marth. Fuller Docter now of Bastable was y^e nearest Kinsman hee had." Sworn, 14 : 8 : 1673, in Hampton court. Copy made by Tho. Bradbury,* rec.

Jonathan Thing, jr., Miriam King and Joanna Thing deposed that when the account was made up between Thomas King and Nath. Boulter, which was specified on the back of the bill, dated Oct. 27, 1661, under said Boulter's hand, it was made the winter before Tho. King died, being in the month of November, etc. Sworn, 5 : 2 : 1673, before Samuell Dalton,* commissioner.

Henry Roby and Jonathan Thing deposed that they had seen hay on the meadow, commonly called James Wall's farm, lying toward Salisbury from Exiter, and that Wall had possession of it sixteen or seventeen years ago. Sworn at Hampton court, 13 : 8 : 1663, and copy made by Tho. Bradbury,* recorder.

John Colby testified that he heard Gorg Marten tell Abraham Drake that he had tendered him land to be appraised as money in satisfaction of an execution of Nathanel Winslew's, and Drake said he knew that he had, but that was not money. This was at Amsbery when Drake was going to carry Marten to prison. Sworn, Apr. 8, 1673, at Salisbury court.

*Autograph.

COURT HELD AT SALEM, 26 : 9 : 1673, BY ADJOURNMENT.

Judges: Mr. Samll. Simonds, Deputy Govr., Major Daniell Denison and Major Wm. Hathorne.

Grand jury: Mr. John Ruck, Tho. Fuller, sr., Samll. Ebborne, sr., Frances Skerry, Jon. Ingersoll, Edw. Flint, Tho. Bishop, Tho. Patch, Wm. Griggs, Robert Hibbert, Mr. Thaddeus Riddan, Richard More, Jon. Pearson, Andrew Mansfield and Tho. Farrer.

Jury of trials: Nathaniell Putnam, Mr. John Grafton, Edward Woolan, Tho. Jeggells, John Procter, John West, Jon. Bachelor, Richd. Norman, Theophilus Baily, Joseph Mansfeild, Samll. Johnson and Ezekieil Needham.

Wm. Beale and Martha, his wife v. George Bonfeild and Rebecka, his wife, in behalf of themselves and children. Slander. Withdrawn.*

James Browne v. John Fiske. Debt. Verdict for plaintiff.†

*Writ: William Beale, and wife Martha v. George Bonfield, and wife Rebecka; slander, for themselves and their children maliciously raising and commonly reporting several pernicious and false slanders on him and Martha, his wife, on set purpose to provoke them; dated 17 : 9 : 1673; signed by Hilliard Veren,† for the court; and served by Henry Skerry,† marshal of Salem, by attachment of house and land of defendant.

†Writ: James Browne, sr. v. John Fisk; debt, for glass made for said Fisk; dated Nov. 18, 1673; signed by Hilliard Veren,† for the court; and served by Henry Skerry, jr.,† deputy for Henry Skerry,† marshal of Salem, by attachment of house and land of defendant.

James Browne's bill of cost, 1li. 12s.

Anne Brown, aged about fifteen years, deposed that when her father Brown and John Fiske, made up their accounts, she heard Fiske say that he owed her father 8li. yet in money for the meeting house glass for Salem. Sworn in court.

An account of the glass for the meeting house, 424 feet, which came to 20li. 6s. 4d.

Samuel Brown, aged about seventeen years, deposed that he made and set up all the glass that his father James Brown engaged to put into the meeting house in Salem. Sworn in court.

Letter of attorney, dated 24 : 9 : 1673, given by James Browne† of Salem, glazier, to his loving wife Sara, to prosecute against John Fiske of Wenham, Wit: John Pacht,† Sarah (her mark) P—— and Samuell Williams.†

Agreement, dated 16 : 7 : 1672, between Sergant James Browne† of Salem and John Fiske† of Wenham, carpenter, that said Browne

† Autograph.

John Perkins v. Tho. Newman. Trespass. Withdrawn. Court remits the entry of this action.

Margeritt Bishop, executrix of the estate of Tho. Bishop v. Hugh Allard. Debt. Verdict for plaintiff. To be paid in merchantable fish.*

Capt. Paule White v. Edw. Lilly. For withholding a debt due for staves, heading, etc. Withdrawn.†

Mr. Moses Maverick v. Wm. Gover. Debt. Nonsuited.‡

Mr. Moses Maverick v. Walter Boaston. Debt. Nonsuited.§

was to make all the glass for the new meeting house by the foot, at 11 1-2d. per foot, and put it up within six weeks; said Fiske was to pay in silver, 5li. in hand, 5li. when half set up, and the remainder when finished. Wit: Saml. Browne|| and John Fiske.||

*Writ: Margrett Bishop, executrix of the estate of Thomas Bishop v. Hugh Allward; debt; dated Nov. 4, 1673; signed by Robert Lord,|| for the court; and served by Michall Endell,|| constable of the Isle of Shoals, who left a copy of the attachment at his house.

Bond, dated Dec. 20, 1667, Hugh Allward|| of the Ile of Sholes, fisherman, to Thomas Bishop of Ipswich, for 37li. 15s. 9d., to be paid in cod fish fit to be shipped aboard at the next weighing season before June 20; this was for provisions received of said Thomas. Wit: Nath. Wells|| and Theophilus Wilson.|| Sworn by Theophilus Wilson, Nov. 24, 1673, before Daniel Denison.|| Thomas Bishop, attorney, testified to the same, 25 : 9 : 1673, before Hilliard Veren,|| cleric.

Bill of cost against Hugh Alward, 1li. 6s. 3d.

Letter of attorney, dated Nov. 24, 1673, given by Margaret (her mark) Bishop of Ipswich, widow, executrix of the estate of Thomas Bishop, late of Ipswich, to her son Thomas Bishop. Wit: Theophilus Wilson|| and Nathaniel Warner.|| Sworn, Nov. 24, 1673, before Daniel Denison.||

†Writ: Capt. Paul White of Newbery v. Mr. Edward Lillie of Boston; for withholding a debt due for staves and heading; dated Oct. 31, 1673; signed by Nath. Saltonstall,|| for the court; and served by Rich. Wayte,|| marshal of Suffolk. Bond of Edward Lillie.||

‡Writ, dated Nov. 10, 1673, signed by Moses Maverick,|| for the court, and served by William Browne,|| constable of Marblehead.

§Writ: Moses Mavericke v. Walter Boatson; debt; dated Nov. 10, 1673; signed by Moses Maverick,|| for the court. No return made. Greffin (his mark) Joanes and William (his mark) Pow gave bond to Benjamin Felton, keeper of the prison at Salem, for Boatson's appearance.

|| Autograph.

Mr. Christopher Lattamore v. Hen. Frood. Debt. Verdict for plaintiff.*

Mr. Christopher Lattamore v. Robert Pike. Debt. Verdict for plaintiff.†

Sam. Williams v. Joseph Studly. Debt. Verdict for plaintiff.‡

Walter Bosen's bill of cost against Mr. Samll. Maverick, to loss of voyage in not going fishing, etc., 12s.

*Writ, dated Oct. 27, 1673, signed by Hilliard Veren,§ for the court, and served by Robart Bartlett,§ constable of Marblehead.

Bond, for Henry Frood's appearance, dated Oct. 31, —, signed by Thomas Powell.§ Wit: Samuell Cheever§ and Lydia Roberts.§

Tho. Powell's bill of cost, 12s.

Humphry Deverix, aged about eighteen years, deposed that he helped Thomas Powell carry a parcel of beef to Mr. Latemor upon account of Henry Frude, and he refused it and would not give it house room.

Robert Bortlet testified that Mr. Lattemor and Mr. Pitt acknowledged that the beef was tendered, etc. Sworn in court.

Henery Frood of Marblehead, Dr., to balance, Nov. 22, 1672, £1. 9s. 9 1-2d.; 4 qts. of sider, 1s. 2d.; Nov. 27, Brandy, 1s.; Malligo, 14d., Beare, 4d., sider, 7d., Beare, 4d., 2s. 5d.; Brandy Beare & Sider, 1s. 5d.; Dec. 6, Brandy, wine & Sider, 2s. 3 1-2d.; Dec. 9, Brandy, sider, wine, 1s. 11d.; Dec. 18, wine & beare, 2s. 8d.; Dec. 20, wine, 2s. 8d.; Dec. 25, wine & beare, 1s. 5d.; Jan. 28, wine, bear & sider, 1s. 10d.; Feb. 3, Malligo wine, Brandy & bere, 2s.; Feb. 8, Sugar, beere, wine, 2s. 11d.; Mar. 12, brandy, beere & wine, 3s.; Mar. 26, 1673, wine & bere, 1s. 4d.; Apr. 11, Brandy & wine, 1s. 6d.; Apr. 14, wine, sider & bere, 2s.; bear, 2d.; wine, 3s. 4d.; total, £3. 3s. 10d. William Pitts swore at Salem court that this was a true account taken out of Christopher Latamor's book, which book he kept.

†Writ, dated Oct. 27, 1673, signed by Hilliard Veren,§ for the court, and served by Robart Bartlett,§ constable of Marblehead. Bond of Thomas (his mark) Bowin.

Christopher Lattimore's bill of cost, 1li. 3s. 8d.

Robertt Peke, for wine, beer, cider, brandy, white wine, wine sugared, vinegar, sherry, Madera, hooks, rope and mackrell, from May 18, 1672 to Oct. 25, 1673, 10li. 16s. 3d. By balance, 5s., by fish at 31s., 1li. 11s.; by mony received, 8s.; by Barrlls. Mackrell, 1li.; total, 3li. 12s. Sworn to by William Pitts in Salem court.

‡Writ, dated 14 : 9 : 1673, signed by Hilliard Veren,§ for the court, and served by Rich. Wayte,§ marshal of Boston. Bond of Joseph (his mark) Studley and Timothy Prat.§

§ Autograph.

Capt. George Corwin v. Elias White. Debt. Verdict for plaintiff.*

Capt. George Corwin v. Steven Haskett. Debt. Verdict for plaintiff.†

Capt. George Corwin v. Hen. Trivet. Debt. Withdrawn.‡

Capt. George Corwin v. Richard Suttan. Debt. Withdrawn.

Capt. George Corwin v. Antho. Ashby. Debt. Withdrawn.§

Capt. Corwin v. Wm. Dodge, tertius. Debt. Withdrawn.||

John Godfery v. Edw. Clearke. Debt. Verdict for plaintiff.¶

Samuell Williams' bill of cost, 1li. 4s.

Letter of attorney, dated Nov. 26, 1673, given by Joseph (his mark) Studley** of Boston, cooper, to Mr. John Williams of Boston, at present at Salem. Wit: Timothy Prat,†† Willm. Howard,†† scribe, and John Priscott.†† Sworn by said Prat and Prescott, 26 : 9 : 1673, before Thomas Clarke,†† commissioner.

Mathew Price, aged about forty-five years, deposed that about July 25 last, while Joseph Studley lived with Samuell Williams as a journeyman, said Studley desired deponent to take up of his master Williams stuff to make him a suit of clothes. He accordingly took 8 1-2 yards of serge and linings for coat and breeches and 12d. money and made the clothes for said Studly and said Williams paid him for making them. Sworn in court.

*Writ, dated 17 : 9 : 1673, signed by Hilliard Veren,†† for the court, and served by Henry Skerry,†† marshal of Salem, by attachment of the house of defendant.

Elias White's bill of cost, 1li. 2s. 6d.

†Writ, dated Nov. 18, 1673, signed by Hilliard Veren,†† for the court, and served by Henry Skerry,†† marshal of Salem, by attachment of the land upon which his house stands.

Steeven Haskott's bill of cost, 1li. 7s. 6d.

‡Writ, dated 17 : 9 : 1673, signed by Hilliard Veren,†† for the court, and served by Henry Skerry,†† marshal of Salem, by attachment of the house and land of defendant.

§Writ, dated 3 : 9 : 1673, signed by Hilliard Veren,†† for the court, and served by Shu. Walker,†† deputy for Henry Skerry,†† marshal of Salem, by attachment of the house and land of defendant. John Griffen mentioned.

||Writ, dated 8 : 9 : 1673, signed by Hilliard Veren,†† for the court, and served by Henry Skerry,†† marshal of Salem, by attachment of house and land of defendant.

¶Writ, dated Oct. 2, 1673, signed by Anthony Somerby,†† for the court, and served by Robert Lord,†† marshal of Ipswich, by attachment of defendant's house and land in Haverhill.

** Autograph and seal.

†† Autograph.

Edward Bridges acknowledged judgment to John Perkins, sr.

Hen. Salter, for breaking Ipswich prison and running away, was sentenced to be whipped, which was executed.*

Jacob Rowell, for being instrumental in said Salter's breaking prison and running away with him, was sentenced to be whipped, but upon the intercession of some friends, this sentence was remitted to a fine.

Richd. Croye, for beating and abusing Mathew Hooker and John Sever, was sentenced to be whipped, but the court finally took off this sentence, said Croye paying a fine.†

John Godfre's bill of cost, 2li. 7s.

Bond, dated Apr. 21, 1670, given by Edward Clarke‡ of Haverhill to John Godfrey, said Godfrey having acquitted Clarke of all previous indebtedness, for 13li. 10s. in Indian corn, said Clark offering his dwelling house as security. Wit: John Burbank‡ and Tho. Wasse.‡ Sworn to by John Burbank and Abraham Whittaker, in Salem court.

* Warrant, dated Oct. 9, 1673, to the keeper of the prison in Ipswich, signed by Daniel Denison,‡ to take into his custody Henry Salter and Jacob Rowel, who stand committed for breaking the prison and running away from their masters, and one of them at least for stealing.

Due to Theophilus Wilson,‡ keeper of the prison at Ipswich, 1673: for Henry Psalter's imprisonment eight weeks, 1li.; turning the key, 5s.; putting the fetters on and off, 2s.; for two men tending him a day, 3s.; for bringing him to Salem prison, 3s.; for ferage, 6d.; for keeping and sending him from Salem prison, 5s.

† Marthew Hooker deposed that Richard Craw came into his house and said his stomach ached and threw himself upon the bed where there was a glass bottle with about a pint and a half of liquor in it. Said Hooker and his wife went out of doors and when they returned Craw had gone and there was but a gill of liquor left in the bottle. Hooker went to Craw's house and asked him why he drank the liquor, which did not belong to deponent, and he denied that he had drunk it. Later John Severit came in and asked him why he drank his liquor and he said he did not touch the bottle. Severit replied that the liquor was gone the same way as the rest of his things, and went into his own room. Craw followed him, pulled off the bed clothes, dragged Severit by the hair, struck him several blows on the face, threw him on the floor and punched him several times with his knees. Then he struck said Hooker on the head with a tobacco trencher and dazed him so that he fell into the fire and Craw kept him there until Severit pulled him by the coat to drag him off. Craw

‡ Autograph.

John Stanwood, for suspicion of committing fornication with Xtian Marshman, he having been accused by her, that she was with child by him and he denying it, said Stanwood was committed to prison until he gave in security for 50li. for appearance at the next Ipswich court.*

Christian Marshman, owning the charge, was sentenced to be whipped, which was executed.

Mr. John Hathorne, having found upon search made, a pair of tongs and a kettle, and he testifying that they were his goods, court ordered them to be delivered to said Hathorne, and Tho. Loughton and the widow Taylor, in whose custody they were found were ordered to pay charges.†

dragged Hooper out of the fire by the hair and scratched him on the face. This happened on the last Thanksgiving day. Sworn, Nov. 22, 1672, before Daniel Denison.‡

Warrant, dated Nov. 22, 1673, to the keeper of the prison at Ipswich for arrest of Richard Craw, signed by Daniel Denison.‡

Due to Theophilus Wilson for Richard Croye: for turning the key, 5s.; for his diet, 2s. 6d.; for being apprehended and bringing him to Salem, 3s.; for ferage, 6d.

*Clement Coldom, aged about fifty years, deposed that in July last at Mr. Emerson's house, he saw John Stainwood and Cristian Marshman together outdoors "by the Ching on the est end," and he was kissing her, so that deponent concluded that he was a suitor to her. Also Stainwood told him once that that she was a gallant singer and that he had heared her sing many times. Deponent also said that on Sept. 10, he saw them together, he on horseback and she afoot. Sworn in court.

†Search warrant, dated 26 : 9 : 1673, to the constable of Lyn, for a kettle and a pair of tongs lately stolen from Mr. John Hathorn's house, signed by Hilliard Veren,‡ cleric, and returned by William Crofts,‡ constable of Lyn, who had taken a pair of tongs from Thomas Laughton which John Hathorne owned to be his, and a small kettle from widow Taylor, where he found one Joseph Farr, her servant, said Farr and Laughton promising to appear in court; Crofts made John Hathorne his deputy.

John Hathorne and Ebenezar Hathorne, his son, testified that the articles were those which had been stolen from said Hathorne. Sworn in court.

John Clarke, son of William Clarke of Lynn, testified that sometime in the summer of 1672, he saw an Indian in widow Taylor's of Lynn with a small iron kettle. She asked him if he would sell the kettle and he said he would for 2s. She said

‡ Autograph.

Abraham Whittaker was allowed costs against Mr. Woodbridge, who did not prosecute

There being a verdict of a jury of inquest returned from Lynn upon a dead man cast up by the sea, to which they all gave oath in court, except Wm. Croft, Nathaniell Ballard and Joseph Collens, who were fined for non-appearance.*

The will† and inventory of Elizabeth Mansfeild, widow, deceased, were proved and allowed.

it was too much, but he said it was a good one and he had chosen it out of twenty, so she gave him his price. Sworn in court.

Elesibeth Ran and Rebekee Laten, aged about twenty-three years, deposed that they saw Thomas Davis, smith, sell Thomas Latan a pair of tongs, etc. Sworn in court.

Samuell Mansfeild, aged upward of nineteen years, deposed that the kettle he saw the Indian sell, had not been used.

*Return of a jury of inquest, dated July 8, 1673, appointed to view a body lying upon the beach in Mr. King's farm, which which had been cast up by the tide. The man had on a pair of gray breeches, a leather apron, and old red drawers, and had reddish hair. He had also a knife with a white helf and a pair of russet shoes with French heels, and "we see him buried." Signed by Jacob Knight,‡ Nathanyell Ballard,‡ Samuell Johnson,‡ Mathew Farrington,‡ John Nueall,‡ Samvell Hartt,‡ Joseph Collines,‡ Samvell Tarbox,‡ William Crofts,‡ Crispas Brewer,‡ Ralph King‡ and Thomas (his mark) Farar.

† Will of Elizabeth (her mark) Mansfeild § of Lyn, dated 20 : 2 : 1667, and proved 26 : 9 : 1672, in Salem court: "I bequeath to my Sonn Joseph Mansfeild my Bed which I usually ly upon with all appurtenances belonging unto it and foure paire of sheetes and all the housinge and Lands and the three Acres of Land that my husband Bought of John Deacon which lyeth in the necke By John Ramsdells and all the meadow that was my husbands. I will that my Daughter Elizabeth Tomsone haue my Broadcloath Gowne and some small Linnen and my hood and coat and to my Grandchild Elizabeth Mansfeild I giue my kearsey Gowne and Pettycoat of stuffe and to my Grandchild Deborah Mansfeild my sonn Josephs Daughter one yeard of Holland and to my Grand child John Mansfeild the first calfe that liueth of the Heiffer that is in my sonn Joseph Mansfeilds hand and to my Grandchild Joseph Mansfeild the heiffer. I bequeath to my sonn Joseph Mansfeild all the rest of my mouable goods and grasse or what soever was my husbands. I bequeath alsoe to my sonn Joseph a Greene shaged Rugg which did not Belonge to that Bed which my Husband and my seulf

‡ Autograph.

§ Seal

Whereas Hannah, the reputed wife of Thomas Herrick, at the last Ipswich court, preferred an account against said Thomas, accusing him of impotency, after some deliberation and testimony, court adjudged said marriage between said Thomas Herrick and Hannah Ordaway null and void. She was given her liberty as if such pretended marriage had never been, and he was to return to said Hannah as much as he had received of her, or of her father or other friends in way of marriage portion; she was to make no further claim to his estate.

Thomas Robinson, presented for stealing linen and money from An Roundy, she having received her linen, was to pay treble damages, and for his offence to the country was sentenced to be whipped or pay 40s. in money. He paid the fine and was not corporally punished.

The town of Beverly, presented for defect of a highway between Tho. Chub's and Robt. Hibbert's, court appointed Mr. Hen. Bartholmew of Salem and Tho. Fisk of Wenham, to view and lay out the way where it may be best and most convenient near the place where it is, and Beverly was to appoint one or more, and they were to report to the next Salem court, the date of viewing to be appointed by Mr. Hen. Bartholmew.

did use to ly upon: And alsoe I will unto my sonn Joseph all the Grasse that doeth Grown of six Acres of marsh six mounthes after my decease which my husband did giue to my sonn Andrew Mansfeild in a Deed of Gift to him to be his owne for ever six mounthes after the decease of my husband and my seulf. Alsoe I bequeath to my sonn Joseph all my debtes And alsoe I doe make my sonn Joseph Mansfeild my true and Lawfull executor alsoe my will is That Mr. Thomas Laughton and Capt. Thomes Marshall bee my overseers." Wit: Nathanill Kirtland* and Samvell Hartt.*

Inventory of the estate of Elizebeth Mansfelld, aged about eighty-seven years, who died about Sept. 6, 1673, taken by Nathaniil Kirtland* and Henery Rhodes.* Wollen Aparell, 4li.; shetes, 4li.; small Linen, 2li. 10s.; bookes, 1li. 5s.; mony, 1li. 10s.; bedding, 7li. 10s.; bedsted, tabell, stollles and cheres, 2li. 10s.; a whelle and Lumber, 1li. 5s.; Pottes and ould Eyron, 2li. 12s.; Pewter, 1li.; 32 bushells of Indian Corne, 4li. 16s.; 4 Cowes, 12li.; one small beast, 2li.; 13 accors of Medow, 65li.; one Accor and a halfe of fresh medow, 3li.; seven Accors of upland, 37li. 10s.; 3 Accors & a half of upland Lying in common, 8li.; hows-

* Autograph.

Robert Stephens and his wife, presented for fornication before marriage, the former was sentenced to be whipped or pay a fine, which fine of 4li. he paid. His wife did not appear, and was ordered to appear at the next Ipswich court.

Whereas there was an order of the last Salem court to refer to a committee, Mr. Ed. Batter and Mr. Hen. Bartholmew of Salem, Mr. Moses Maverick and Leift. Ward of Marblehead, and Mr. Leighton of Lyn, the viewing of a highway between Marblehead and Lyn, and to report at this court, the same has not been done. Court being desired that a way there may be settled, ordered that said committee or the major part of them, provided the two gentlemen of Salem be of the number, make their return to the Worshipful Major Wm. Hathorn within fourteen days next, and that none of Lyn be concerned in what relates to Mr. Ralph King's charge about the old way.

Court remitted 6s. of Wm. Bartoll's fine.

There being a nuncupative will of Josiah Walton presented, and attested by two witnesses, it was allowed, and Mrs. Elizabeth Walton, his mother, was appointed administratrix. An inventory,* which was brought in, was also allowed.

sing, 10li.; 13 Load of hay, 10li.; flaxe and frute, 2li. 10s; Detes, 2li.; total, 184li. 18s.

*Inventory of the estate of Josiah Waltown, deceased, taken Nov. 4, 1673, by Samll. Ward† and James Dennes:† so much paid in part of his father's dept., 21li. 4s. 10d.; what his father left him, 30li.; due him from Robert Bartlett, 20li.; from John Furbish, 6li. 13s.; from Nickolas Meritt, 1li.; from John Pedrick, 10s. 6d.; from Richard Clatterie and Joseph Doliver, 2li.; from Mr. William Brown, sr., 7li. 10s.; from Mr. Fich of Boston, 1li. 3s.; due from Mr. William Brown, jr., for his part of a fishing voyage, —; due from Captain Smith, 10s.; 1 hors, 5li.; 2 guns, 2li.; 1 Cow, 3li. 10s.; heifer, 40s.; 1 yearling, 25s.; 8 yards of linen Cloth at 3s. pr. yd., 1li. 4s.; 13 yds. of linen at 21d. pr. yd., 1li. 2s. 9d.; 2 1-2 yd. of sarg at 5s. pr. yd., 12s. 6d.; Curtins and vallins, 2li.; 1 Small rugg, 14s.; waring Cloths, 2li. 10s.; 1 quadrant and other instruments, 19s.; 1 Coper ax, 1 adz and saw, 12s.

Samuell Cheever,† Moses Mavericke† and James Dennes† testified that "being present with Josiah Walthom when he was brought in first from Sea after his wound by the lightning, on June 23, 1673, affirme & declare that upon the Companys mo-

† Autograph.

Nicholas Wallingford and James Travis were appointed administrators of the estate of the widow Window, and were to fulfill the mind and will of the deceased according to testimony brought in. An inventory was brought in and allowed.*

John Balden dying intestate, Arabella, the relict, brought in an inventory† and it was allowed, court granting her power of administration.

tion to y^e s^d Josiah Waltom that he would settle his estate He y^e s^d Josiah Waltom being of perfect memory and apprehensive of his dissolution, did declare that his Will was that his Brother Nathaniell Waltom, and his sister Martha Munjoy should have his grey horse for their owne betwixt them, and his other estate he gave it to his Mother Walthom, for her use, & benefit during her naturall life, and after her decease to be disposed off by her, and divided among his brothers Nathaniell & Samuell Walthom and his three sisters, Martha Munjoy, Elizabeth Conant and Mary Bartlett to enjoy an equall part, all alike, saving that his sister Munjoy should have the better part, and that y^e land should not go out of y^e name of y^e Waltoms." Sworn in court.

*Mr. Samuel Worcester and Elizabeth, his wife, testified that "within two or three dayes before the death of the Widdow Window, wee heard her declare that her will, as to her disposall of w^t estate she had, was that her son in Law Nicolas Wallington, who ought her forty shillings, giveing to his son John Wallington an Ewe lamb out of it should have the rest of the said forty shillings; and that her Grandchild Sarah Wallington should have her best coat; and that her son James Traves should have her bed; and that the rest of her estate should be equally divided between her son: Nicolas Wallington & James Traves." Sworn Nov. 25, 1673, before Nath. Saltonstall, ‡ commissioner.

Inventory of the estate of Bridgit Window, appraised Oct. 9, 1673, by Samuell Wosester and John Tenny: Wearing apraill, 7li. 6s. 8d.; silks and lining, 3li. 12s. 10d.; Bedding, 4li. 2s. 6d.; household stuf, 7li. 5s. 1d.; dets, 3li. 14s.; total, 26li. 1s. 1d. Debts to be paid out of the estate for her funeral, 19s. 9d.; other debts, 1li. 4s. 6d.; to Nicholas Walinton for 2 days, 4s.; witnesses, 4s.; total, 1li. 12s. 3d.

†Inventory of the estate of John Balding, appraised by Nathaniell Pickman‡ and Francis Collinges: One dwlling howes & lande, 60li.; one Cubarde, 2li. 10s.; thre bufett chaiers, 12s.; thre Twin chaiers, 7s. 6d.; one Bedstede and bedmatt, 1li. 2s.; one small table and drayer, 7s.; one wainskott chest, 8s., one

‡ Autograph.

Administration upon the estate of Nicholas Patch to John and Thomas Patch, sons of deceased, who died intestate, and the sons presenting an agreement of the division of the estate, it was allowed.*

Mr. Charles Nicholats, Mr. Baily, Nicholas Woodbery, John Mastone, Eleazer Gedney and Thomas Jeggells took the oath of freeman.

Walter Boasten acknowledged judgment to Mr. William Browne, sr.

Richard Hutten and Mark Graves acknowledged judgment to Capt. Walter Price.

The following acknowledged judgment to Capt. George Corwin: Bray Wilkins, William Gover, Richard Suttin, Richd. Brabrooke, Abner Ordwaye, Frances Collens, William Smith, Allester Greime, Wm. Dodg, tertius, Mr. Jon. Hathorn of Lin, Jon. Alford, Charles Gott and Tho. Hobbs.

Capt. Marshall had his former license renewed.

Capt. Paule White had his former license renewed for dra wing strong water.

Mr. John Ruck, Mr. Wm. Browne, sr., Mr. Ed. Batter, Capt. George Corwin, Capt. Walter Price, Mr. Hen. Bartholomew, John Procter, Mr. John Gidney, Mr. Jonathan Corwin, Mr. Bartholmew Gedney and Mr. Thaddeus Riddan had their licenses renewed for the ensuing year for retailing strongwaters.

Iron pottangere, 4s.; total, 65li. 10s. 6d. Sevn puter platters and other small dishes, 2li. 10s.; one brass kettell and one Iron pott & one warming pan, 1li. 15s.; one Beed & furnitur, 8li. 3s.; total, 12li. 8s. Indebted to several men, 50li.

*Inventory of the estate of Nicolas Patch of Beverley, deceased, and the dividing thereof between his two sons John Patch and Thomas Patch, by mutual agreement: To John Patch, four acres of meadow by the Dodge's farm, two acres by Longham and one acre adjoining Capt. Lothrop's by Samuell Corning's farm, and also four acres, the house and land with the orchard, except one acre which Thomas Patch was to have for himself and children to make use of as he or they shall see cause, but not to sell it to anybody away from his brother, and for what improvement is made, John Patch should allow his brother. To Thomas Patch fourteen acres of upland and five acres of meadow, one cow and three young cattle; and the household stuff between them. Sworn in court.

The servants of Mr. Gardner's house had 8s. allowed them, and the maid where Mr. Simonds, Dept. Govr., lodged was allowed 2s.

Henry Trivett, aged about fifty years, deposed that the land where Mr. Lattamore's house now stands, was fenced in twenty-four years ago and planted by deponent and Mr. Pitt's man, and he had known a house inhabited upon the same land twenty-six years ago. He further deposed that he had lived in the town of Marblehead upward of twenty-six years, had cut firewood and timber, kept hogs and cattle for his own use on that tract of land called the town common without molestation by any during twenty-one years, etc. Sworn 28 : 1 : 1674, before Wm. Hathorne, assistant.*

*Richard Norman, aged about fifty years, and John Legge, aged about twenty-nine years, deposed that the men appointed by the commoners at Marblehead to look after those who trespassed on the commons asked Mr. Christopher Latamore what cattle he had there the year past, and deponents heard him answer that he would give no account. Sworn, 19 : 1 : 1673-4, before Wm. Hathorne,† assistant.

Inventory‡ of the estate of Jno. Humphreys, Esqr., deceased, taken, July 3, 1663, by Henry (his mark) Collince and Thomas (his mark) Farrar, and allowed July 3, 1663, in Salem court, as presented by Edmond Batter and Mr. Joseph Humphreys: One farme contayninge one dwellinge house, upland and nine Acres of Salt Marsh in ye hands of Robert Ingles of Lyne, 280li.; six Acres salt Marsh in Rumney Marsh late in the possession of Richard Jnoson of Lyne, 30li.; total, 310li. Received of the widow Davis of Lyne for Jenken Davis fine and so a full discharge, 20li.; of Jno. Hudson, for fine to Mr. Humphreys, 20li.; in the hands of Robt. Ingles in consideration for a barn to make good, 27li.; total, 377li.

Account§ of Jno. Humphry's estate, presented to the Salem court, 28 : 9 : 1671, and allowed upon oath of Edmund Batter:† Dr. to what he disbursed to Mr. Joseph Humphreys before he went to England, 35li. 16s. 8d.; to Jno. Floyd for fencing salt marsh, 7s.; to Andrew Mansfield for labor about viewing the fences, 6s. 8d.; to Edward Richards for his paynes & Charges for helping to Inquere out the estate, 5li.; to Mr. Jno. Lake of Boston, 17li. 9d.; to old Mrs. Rucke for old expences, 1li. 14s. 1d.; to Robt. Rane for buildinge of Barne and abatement of Rent, 30li.; to Rich. Hude for Repareinge of dwellinge house, 31li. 6s. 10d.; to Mr. Helliard Veren for drawing 2 leases, 5s.;

† Autograph.

‡ See *ante* vol. iii, p. 81.

§ See *ante*, vol. iv, p. 449.

Mary Trivett, aged about forty-five years, deposed that twenty-three years ago the land where Mr. Lattemore's old house is now standing, etc. She had known the land where Mr. Lattamore now lives, occupied by a dwelling house for twenty-three years, and she was Mr. Pitts' servant in it, etc. Sworn, 28 : 1 : 1674, before William Hathorne, assistant.

An Warrent, aged about seventy years, deposed that her husband Frances Linsford and herself planted Mr. Lattamore's lot, about twenty-two years since, that very place where the house stands. Sworn, 18 : 1 : 1673-4, before Wm. Hathorne, assistant.

to interest of money to the value neare of 60li. for seaven years past, 15li.; to his care and paynes the 7 years past, 10li.; total, 146li. 17s. Cr., p what has been received from Robt. Rane for 4 years Rent, 40li.; what has been received from Richard Hude for three years Rent, 31li.; total, 71li.

Account of what Mr. Joseph Humphrys received out of the estate while in New England: By Mr. Jno. Hudson of New Haven, 22li.; what he Recd of the Relict of Jenken Davis, 20li.; Francis Ingles pd. to Mr. Jno. Hathorn, 5li.; to Mr. Whitrige of Lyne, 10li.; to Edmund Batter, 10li.; reed of Edmund Batter, 35li. 16s. 8d.; per Jno. Lake of Boston pd. by Ed. Batter 17li. 9d.; wt. he Received of Mr. Jno. Gedney for a small psell of land sold him in Salem, 2li. 10s.; total, 122li. 7s. 5d.

Writ: John Hathorne v. Peter Joye; debt, due by obligation under his hand, it being said Hathorne's proper debt, although the obligation was made to Samuell Archard, then marshal of Salem, and by him assigned to John Hathorne; dated Nov. 8, 1673; signed by John Fuller,* for the court; and served by Henry Skerry,* marshal of Salem, by attachment of a chest and box of defendant's.

Writ: Francis Godlar v. Thomas Chubb; debt, for a cow; dated Oct. 24, 1673; signed by Moses Mavericke,* for the court; and served by John Lovet,* constable of Beverly.

Writ: Deacon Stevens, in behalf of the town of Gloster v. Thomas Very; for non-payment of rates due to Mr. John Emerson; dated Nov. 13, 1673; signed by Thomas Riggs,* for the court; and served by William Sargent,* constable of Gloster, by attachment of a cow of defendant's.

Writ: Deacon Stevens, in behalf of the town of Gloster v. Mr. Peter Duncan; for non-payment of several rates due to Mr. John Emerson; dated 13 : 9 : 1673; signed by Thomas Riggs,* for the court; and served by William Sargent,* constable of Gloster, by attachment of a flaging pot of defendant's.

* Autograph.

Writ: Joseph Clarke, assignee of Thomas Millett, jr. v. Timothy Somes; for withholding eighteen cords of wood; dated Oct. 10, 1673; signed by Thomas Riggs,* for the court; and served by William Sargant,* constable of Gloster.

Writ: John Hathorne v. Richard Georg; debt; dated Oct. 23, 1673; signed by John Fuller,* for the court; and served by Return —,* constable of Suffolk.

Writ: Capt. Walter Price v. Richard Sutton; debt; dated Nov. 14, 1673; signed by Jonath. Negus,* for the court; and served by Rich. Wayte,* marshal of Suffolk. Bond of Richard S[ul]ton.*

Writ: Capt. Georg Corwin v. Richard Sutton of Roxberry; debt; dated Nov. 14, 1673; signed by Jonath. Negus,* for the court; and served by Rich. Wayte,* marshal of Suffolk. Bond of Richard Sutton.*

Writ: Mr. Thomas Woodbridge of Newbery v. Arthur Bennet of Lampereel river; debt; for withholding 7,500 merchantable pine boards, to be paid at Mr. Symonds' mill at Lampereel river; dated Oct. 18, 1673; signed by Nath. Saltonstall,* for the court; and served by Henry Dow,* marshal of Norfolk. Bond of Arthor (his mark) Bennit and Samuell Hilton.*

Writ: Capt. Paul White of Newbery v. Edward Smith of Exeter; debt; dated Oct. 18, 1673; signed by Nath. Saltonstall,* for the court; and served by Henry Dow,* marshal of Norfolk, by attachment of the dwelling house and land of defendant.

Writ: Mr. Thomas Woodbridge of Newbery v. Thomas Rawlins of Exeter; debt; for 9,000 feet of merchantable boards, to be delivered at Exeter; signed by Nath. Saltonstall,* for the court; and served by Henry Dow,* marshal of Norfolk. Bond of Thomas (his mark) Rawlins and Samuell Levett.*

Summons to a writ, for the appearance of Abraham Whitticker, sr., upon complaint of Mr. Thomas Woodbridge of Newbery for debt for 2,305 white oak pipe staves, to be delivered at Newbery, dated Nov. 12, 1673 and signed by Nath. Saltonstall,* for the court.

Venire, dated 3 : 9 : 1673, for Salem trial jury and grand jurymen, also to summons Peeter Joy, for being disguised with drink, and witness, Mr. Phillip Cromwell; William Bath, for being drunk, with witness, Tho. Ives; Mr. Georg Emory, for being overtaken in drink, with witnesses, Edw. Woollen and Adam Westgate; Tho. Robinson, for stealing from Ann Roundy, with witnesses, Jon. Horne, sr., Jon. Guppy, Peeter Harvey, An Roundey and Julian Viber; signed by Hilliard Veren,* for the court; and served by John Marston,* constable of Salem, who returned the names of Nathl. Putnam, John Grafton, John Turner, Edward Woollen, Thomas Giggles, John Procter and Stephen Haskut, for the jury of trials, the latter not being then

* Autograph.

at home, and for the grand jury, Tho. Fuller, sr., Mr. John Ruck, Saml. Aburn, sr., Frances Skery, Tho. Roots, John Inkersall and Edward Flint.

Venire, dated 3 : 9 : 1673, for Lyn trial jury and grand jurymen, also to summons Moses Chadwell and Robert Potter, for their swearing rashly about a piece of fence in Rumney Marsh before the Worshipful Major William Hathorne, with witnesses, Tho. Stocker and his son Ebenezer; also to summons Joseph Hollowage, for saying he recorded his marriage when he did not, whereby there is vehement suspicion of his committing fornication before marriage, and the witnesses Hen. Roads and Frances Burrell; signed by Hilliard Veren,* for the court; and served by William Crofts,* constable of Lyn, who returned the names of Richard More, Andrew Mansfeld, Thomas Pharar and John Pearson, for the grand jury, and Theopelas Bealy, Joseph Mansfeld, Samuell Johnson and Ezekcall Needam for the jury of trials. Joseph Holloway was not in the town.

Venire, dated 3 : 9 : 1673, for Wenham trial jury and grand jurymen, also to summons Walter Fairefeild, for detaining or not requiring his servant John Besoon to attend the like worship of God on the Lord's days, with witnesses Tho. Fisk, jr., and John Gilbert; signed by Hilliard Veren,* cleric; and served by Richard Dodg,* constable of Wenham, who returned the name of Thomas Patch to serve on the grand jury, and John Batcheler, for the jury of trials.

Venire, dated 3 : 9 : 1673, for Gloster trial jury and grand jurymen, also to summons Tho. Prince, jr., William Ellery, John Cooke, William Vinson, sr., William Vinson, jr. and John Collens, jr., as witnesses against William Foord of Charlestowne, for sailing out of Anasquam on the Lord's day; signed by Hilliard Veren,* cleric; and served by William Sargent,* constable of Gloster, who returned the name of William Grigs to serve upon the grand jury, and Mr. Peter Duncan, on the jury of trials.

Venire, dated 5 : 9 : 1673, for Beverly trial jury and grand jurymen, also to send someone from Beverly in behalf of the town to answer for defect of the country highway between Thomas Chubbs' and Joseph Hibbert's, also to summons Exercise Conant, as witness; signed by Hilliard Veren,* for the court; and served by John Lovet,* constable of Beverly, who returned the name of Robert Hebbard for the grand jury, and Exersis Cunnont for the jury of trials.

Presentments, dated Nov. 27, 1673, signed by John Rucke,* in the name of the rest:

Clement Couldum of Gloster, for heaving the door off the hinges of the dwelling house of John Perse, about Sept. 10, last, at about 10 or 11 of the clock in the night. Wit: James Stevens. Couldum owned it before the court.

* Autograph.

Jury of inquest, appointed to report upon the death of a man found drowned in the town of Gloster, "hauing sarched the man & Can find no wonde but doe Conseue according to the best information that wee can gett that he was drunck and allso according unto the poustuer that he was founde in lying grauling with his face upon the mude and his hands and armes under him and this not aboue forty poles or thare aboute from the howse where we are informed that he had his drinke: and this man was lost fortien or feften days before wee found him;" signed by Tho. Millet, sr., William Venson, sr., Anthony Day, Steven Glover, Samuell Elwell, Josiah Elwell, James Daves, William Elary, John Colings, jr., Robart Scamp, Thomas Princes, sr., and John Millitt.

Newbury births, marriages and deaths for 1673, signed by Anthony Somerby:*

Marriages:

Samuell Hale and Sara Ilsly, July 21.
Edward Richardson and Anne Bartlet, Oct. 28.
Richard Bartlet and Hannah Emery, Nov. 18.
Samuell Pettingall and Sara Poore, Feb. 13.
Cutting Noyes and Elizabeth Knight, Feb. 25.
Henry Aires and Hannah Silver, Mar. 13.

Births:

Benjamin, son of Amos Stickny, Apr. 4.
Mary, daughter of James Ordway, Apr. 5.
Abraham, son of Launcelot Granger, Apr. 17.
Henry, son of Nathaniel Clark, July 5.
William, son of John Glading, July 25.
Mary, daughter of Mr. James Baily, July 6.
William, son of Caleb Boynton, July 24.
Amy, daughter of Abell Huse, Sept. 9.
Judith, daughter of Steven Greenleaf, Oct. 23.
Hannah, daughter of Daniel Cheny, Sept. 3.
John, son of Abraham Merrill, Oct. 15.
Nicholas, son of John Webster, Oct. 19.
Daniell, son of John Noyes, Oct. 23.
Abigail, daughter of John Atkinson, Nov. 8.
Susanna, daughter of Abell Merrill, Nov. 14.
Hanna, daughter of John Badger, Dec. 3.
William, son of William Faning, Nov. 20.
William, son of Caleb Moody, Dec. 15.
Nathaniell, son of Nathaniel Bricket, Dec. 20.
Mary, daughter of John Smith, Dec. 29.
Jane, daughter of Peter Tappan, Jan. 4.
Isabel, daughter of Steven Lavenuke, Dec. 22.
William, son of Mr. William Gerrish, Jan. 21.

* Autograph.

William, son of Benjamin Morse, Jan. 23.
Benjamin, son of Benjamin Lowle, Feb. 5.
Henry, son of John Lunt, Feb. 22.

Deaths:

Henry Short, May 5.
Abigail, wife of Anthony Somerby, June 3.
Judith, daughter of Robert Beedle, July 10.
John Merrill, Sept. 12.
Robert Holmes, Sept. 18.
William Moody, Oct. 25.
Anne Thurston, widow, Feb. 17.

Wenham births, marriages and deaths, returned by Tho. Fiske:*

Tabatha, daughter of Walter Fairefeld, born July 29, 1669.
Marah, daughter of Tho. Patch, born 3 : 12 : 1669.
Samuell, son of Richard Hutton, born Jan. 26, 1669.
Sible, daughter of Antipas Newman, born 24 : 1 : 1670.
Martha, daughter of Tho. White, born 5 : 2 : 1670.
Elizabeth, daughter of Edward Walderne, born 26 : 2 : 1670.
John, son of Alexander Maxey, born 1 : 2 : 1670.
Eliezur, son of Tho. Fiske, born 12 : 3 : 1670.
Elizabeth, daughter of Robert Mackclafin, born 18 : 3 : 1670.
Richard, son of Richard Dodg, born 12 : 5 : 1670.
Debora, daughter of Charles Gott, born Oct. 6, 1670.
Waitstill, son of Mr. Antipas Newman, born 6 : 11 : 1671.
Edmond, son of John Beaman, born 10 : 11 : 1671.
Walter, son of Walter Fairefild, born 15 : 2 : 1672.
Marah, daughter of Richard Dodg, born 30 : 1 : 1672.
Sarah, daughter of Tho. Fiske, born 14 : 1 : 1673.
Prileilia, daughter of Robert Mackclafin, born 22 : 6 : 1673.
Samuell Abey and Marah Nowlton, married 12 : 8 : 1672.
Heizkle Woodward and Elizabeth Soolart, married 20 : 10 : 1672.
John Soolart died 24 : 4 : 1672.
Marah, wife of Henry Kemball, died 12 : 6 : 1672.
Martha, wife of Tho. Hobbs, died 24 : 6 : 1672.
Marah, wife of Richard Kemball, died 2 : 7 : 1672.
Marah, wife of John Abey, sr., died 9 : 7 : 1672.
Tho. White died — 1672.
Elizabeth Safford died 7 : 8 : 1672.
Richard Kemball, jr., died 8 : 8 : 1672.
Mr. Antipas Newman died 15 : 8 : 1672.
John Pirchas died 20 : 8 : 1672.
William Geare died 17 : 8 : 1672.
Phinehas Fiske died 7 : 2 : 1673.
Ezeikle Woodward and Elizabeth Soolart married 20 : 10 : 1672.

* Autograph.

Samuell Abey and Marah Nowlton married 12 : 8 : 1672.

Daniell Killim and Sarah Fairefield married 13 : 2 : 1673.

Ann, daughter of John Killim, born 4 : 1 : 1673.

Joseph, son of John Abey, born 10 : 6 : 1673.

Elizabeth, daughter of Joseph Gerish, born Dec. 18, 1673.

Rowley births, marriages and deaths for 1673, returned by Tho. Leaver,* clerk.

Births:

Joseph, son of Joseph and Elizabeth Chapline, Apr. 4.

Timothy, son of Timothy and Elizabeth Palmer, May 19.

Hanah, daughter of Joseph and Hanah Trumble, May 9.

An, daughter of Joseph Boynton, Aug. 14.

Sarah, daughter of Edward and Hanah Hazen, Aug. 22.

Bosun, son of Abraham Jewet, Aug. 30.

Ann, daughter of Ezekiel and Faith Jewet, Sept. 29.

Sarah, daughter of Samuel Lion, Sept. 10.

Sarah, daughter of Thomas and Dameris Leaver, Oct. 9.

John, son of John Hopkinson, Nov. 9.

Marriages:

Samuel Pryme and Sarah Plats, Jan. 1.

Beriah Browne and Sarah Harris, Jan. 6.

Burials:

Mary, wife of Abel Langley, Apr. 22.

Edward Savier, Mar. 9.

Topsfield births and deaths for 1673, returned by John Redington,* clerk:

Births:

Daniell, son of Thomas and Judeth Dorman, [July] † 27.

Sarah, daughter of John and Sarah Kimball, Sept. 19, [1669].

Mary, daughter of John and Sara Kimbale, Jan. 15, [1671].

Richard, son of John and Sarah Kimbale, Sept. 28, 167[3].

John, son of Daniell and Faith Blacke, July 28, 1672.

Martha, daughter of Tho. and Martha Andrews, Dec. 25, 1673.

John, son of John and Dorithie Robison, Jan. 16, 1673.

Joseph, son of Joseph and Phebe Towne, Mar. 22, 1673-4.

Deaths:

Daniell, son of Thos. and Judeth Dorman, [Aug.] 10.

Sarah, daughter of Robert and Mary Smith, [Aug.] 28.

Andover births, 1673:

Margaret, daughter of John and Debora Ruse, Apr. 10.

Mary, daughter of Andrew and Mary Foster, June 10.

Abigall, daughter of Christopher and Hanna Osgood, Aug. 29.

Joseph, son of Joseph and Mary Marble, July 28.

* Autograph. † Material supplied with brackets is taken from the contemporaneous record made by the Clerk of the Court.

Mary, daughter of Samuell and Sara Wardle, Oct. 3.
Samuell, son of William and Elizabeth Blunt, Jan. 29.
John, son of John and Mary Barker, Nov. 3.
Henry, son of Henry and Sara Holt, Jan. 24.
Elizabeth, daughter of Georg and Hanna Abbet, Jan. 29.
Hanna, daughter of William and Mary Chandler, Feb. 5.
Ebenezer, son of John and Mary Lovejoy, Jan. 22.
Mary, daughter of Steven and Elizabeth Johnson, Mar. 21.

Andover deaths, 1673:

Christopher, son of Walter and Susanna Wright, Jan. 16.
Mary, daughter of Steven and Elizabeth Johnson, Mar. 22.

Andover marriages, 1673:

John Abbet and Sara Barker, Nov. 17.
Mr. Return Johnson and Mary Johnson, Sept. 7.
Mr. Dudley Bradstreet and Mrs. An Price, Nov. 12.

Rowley births, [1669]: †

[Jabez], son of Abraham [also, Tobiah] Colman, [Mar. 17, 1668-9].
Edward, son of Symon Chapman, May 11.
Soloman, son of Thomas Wood, May 17.
Mary, daughter of Andrew Hiden, July 21.
Mary, daughter of Jonathan Hopkinson, July 9.
Richard, son of Edward Hazen, Aug. 6.
Joseph, son of David Wheeler, Sept. 15.
Ezekiell, son of Ezekiel Jewit, Oct. 25.
Elizabeth, daughter of Thomas Nelson, Feb. 25.
Joseph, son of Joseph Boynton, Mar. 23.

Rowley marriages, [1669]:

John Jackson and Elizabeth Poore, 27 : 2.
Calab Burbank and Martha Smith, May 6.
Joseph Trumble and Hanah Smith, May 6.
Joseph Boynton and Sarah Swan, May 13.
Abraham Hezeltine and Elizabeth Longhorne, Oct. 7.
Thomas Lambert and Edna Northend, Nov. 4.

Rowley burials, [1669]:

Aquila Law, Apr. 16.
Isake Alin, Apr. 10.

Bradford births for 1672, returned by Shu. Walker:*

Joseph, son of Nicholaus Walingford, Apr. 20.
Ruth, daughter of Gilbert Wilford, May 15.
Sarah, daughter of Mr. Zachariah Simes, May 20.
John, son of Benjamin Gage, July 15.
Deborah, daughter of Samuell Heseltine, July 17.
Naomi, daughter of Jonathan Gage, Sept. 2.
Benjamin, son of Benjamin Palmar, Oct. 8 and died Oct. 10.

* Autograph. † Material supplied with brackets is taken from the contemporaneous record made by the Clerk of the Court.

Sarah, daughter of Mr. Anthony Ashby, Dec. 16.

James, son of Thomas Hardy, Feb. 13.

Elizabeth, daughter of Mr. Samuella Woostar, Feb. 15.

Bradford death, 1672:

Sergeant John Gage, Mar. 24, 1672-3.

Execution, dated 29 : 9 : 1673, against Robert Pike and Thomas Bowin, to satisfy judgment granted Mr. Christopher Lattamore at the Salem court, 26 : 9 : 1673; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal of Salem, whose return was that said Robert Pike could not pay and so he was delivered to said Lattamore, to be his servant for one year.

Execution, dated 28 : 9 : 1673, against Rowland Raynsbury, to satisfy judgment granted Mr. Phillip Cromwell at the Salem court, 24 : 4 : 1673, to be paid in fish; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal of Salem, whose return was that said Raynsbury could not pay and so he was delivered to said Cromwell, to be his servant for one year.

Execution, dated 9 : 7 : 1673, against Edmond Bridges, sr., and Edmond Bridges, jr., to satisfy judgment granted Adam Westgate or his attorney, at Salem court, 24 : 4 : 1673, to be paid in beef, pork, wheat, malt and Indian corn; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal of Salem, by attachment of iron.

Execution, dated Mar. 17, 1673, against John Fisk, to satisfy judgment granted James Browne at Salem court, 25 : 9 : 1673; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal of Salem.

Execution, dated 15 : 5 : 1673, against Abraham Allen, to satisfy judgment granted Mr. William Browne, sr., at Salem court, 24 : 4 : 1673; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal of Salem, by attachment of a parcel of sea coals and charcoal, which he delivered to Mr. Reading of Marblehead for Mr. Browne's use.

Execution, dated 27 : 9 : 1673, against William Gover, to satisfy judgment granted Capt. George Corwin, at Salem court, 26 : 9 : 1673; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal of Salem, whose return was that said Gover could not pay, and so he was delivered to Capt. Corwin, to be his servant until the charges be paid.

Execution, dated Mar. 20, 1672-3, against John Goold, to satisfy judgment granted Maj. William Hathorne, at Salem court, 26 : 9 : 1672, to be paid in bar iron at 20 shillings per C. at Mr. William Browne, sr.'s in Salem; signed by Hilliard Veren,* for the court, and served by John Williams,* deputy marshal.

Execution, dated Mar. 5, 1673-4, against Henry Leonard, sr., to satisfy judgment granted Mr. William Browne, sr., at Salem

* Autograph.

court, 24 : 4 : 1673; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal of Salem, by attachment of said Leonard's eighth of the iron works at Topsfeild, which was delivered to Nathanell Mihill, said Browne's agent, by turf and twig.

Execution, dated 1 : 9 : 1673, against Richard Rowland, to satisfy judgment granted Capt. James Smith, at Salem court, June 24, 1673; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal of Salem, by attachment of an anchor, three pair of sea boots, three hats and some cloth.

Execution, dated 25 : 12 : 1673, against Henry Leonard, to satisfy judgment granted Mr. Robert Paine, sr., at Salem court, 24 : 4 : 1673; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal, by attachment of said Leonard's share in the iron works at Rowley Village, which was delivered to Mr. Robert Paine, jr., for the use of his father, by turf and twig, and by a piece of the houses, for them.

Execution, dated 19 : 5 : 1673, against Henry Leonard, sr., to satisfy judgment granted Mr. William Browne, sr., by Worshipfull Major Daniell Denison, Mr. Thomas Danforth and Hilliard Veren, cleric, 24 : 4 : 1673, to be paid in bar iron at 18 shillings per C.; signed by Hilliard Veren,* cleric; and served by Henry Skerry,* marshal of Salem. William Curties, Mr. Browne's agent, took a bill of Samuell Lenard who offered the iron works as security.

Execution, dated June 27, 1673, against Peeter Toppin, to satisfy judgment granted Jacob Toppin, at Salem court, June 24, 1673; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal of Salem.

Execution, dated 8 : 10 : 1673, against Joseph Studly and Timothy Pratt, to satisfy judgment granted Samuell Williams, at Salem court, 26 : 9 : 1673; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal of Salem, who gave them into the hands of Thomas Mattson, prison keeper at Boston.

Execution, dated 28 : 9 : 1673, against Hugh Allward, to satisfy judgment granted Margerett Bishop, administratrix of the estate of Thomas Bishop, deceased, at Salem court, 26 : 9 : 1673, to be paid in cod fish; signed by Hilliard Veren,* for the court; and served by Henry Skerry, jr.,* deputy for Henry Skerry,* marshal of Salem, who demanded pay at Hugh Allard's house at the Isles of Shoals, but did not levy because the parties agreed, said Allard promising to send a barrel of oil. This execution was levied, 5 : 1 : 1677, and said Allward was committed to Mr. Theofelus Willson, prison keeper of Ipswich.

Execution, for possession to foreclose mortgage, dated June 5, 1673, upon the house, shop and ground of Abraham Allen, in Marblehead, to be delivered to Mr. William Browne, sr., of

* Autograph.

Salem, according to mortgage, also to satisfy judgment granted said Browne at Salem court, 25 : 4 : 1672; signed by Hilliard Veren,* for the court; and served by Henry Skerry,* marshal of Salem, by attachment of the house, shop, land and a joiner's work chest of Allin's, which were delivered by turf and twig, also the chest given to Nathaniell Myhill, by order of said Browne.

Execution, dated Feb. 4, 1673, against Ezekiel Needham, to satisfy judgment granted Robert Cross, jr., at Salem court, 24 : 4 : 1673; signed by Hilliard Veren,* for the court; and served by Phillip Foulter,* deputy for Henry Skerry,* marshal of Salem.

Execution, dated May 23, 1673, against Thomas Farrer, to satisfy judgment granted Mr. Elizer Holioake, at Salem court, 26 : 9 : 1672, pay to be delivered to said Holioake, or to Crispus Brewer or Andrew Mansfield, for said Holioake's use; signed by Hilliard Veren,* for the court; no return made.

Robert Potter and Samwell Jonson testified that about twelve years ago there was a ditch made from the upland into a creek and Thomas Newhall's meadow, which was called Blood's neck, where the damage in his hay was done, below or within this creek. Some years after this ditch was made, the land that adjoined the ditch and creek lay without fence, open to the common, and grass was so eaten and spoiled by cattle that it was worth but little, but on the other side no damage was done. They never knew of any cattle going over the creek, save teams that went over to get hay. Sworn before Wm. Hathorne,* assistant.

John Ingolls testified that he had meadow there and that the creek was a sufficient fence, etc. Also that his horse and two oxen, in going over, fell into the creek, and he had much ado about getting them out. When they were out, they went along through John Fuller's draw bars. Sworn, 27 : 9 : 1673, in Salem court.

Moses Chadwell and Robt. Potter testified. Sworn, 27 : 11 : 1672, before Wm. Hathorne,* assistant.

Mathew Farington deposed that he had known this creek twenty years and more and had seen Capt. Briges' cattle and forty or three-score head of the town's cattle feeding, etc. Robert Borges deposed the same. Sworn, 27 : 9 : 1673, in Salem court.

Philip Cromwell, aged about fifty-seven years, and Thomas Ives, aged about twenty-six years, deposed that this past summer they saw Peter Joy much disguised with drink, as they judged by his reeling up and down. Sworn, 27 : 9 : 1673, in Salem court.

Edward Wooland, aged about forty-eight years, deposed that he saw William Bath coming along the street and Adam Westgag asked him whether he thought he was drunk. Deponent

* Autograph.

said he thought he was, for he reeled from one side of the street to the other and could not speak one plain word to him. Sworn, 27 : 9 : 1673, in Salem court.

Bill of cost of Margaret and Samuell Bishop, 11l. 6s. 7d.

Thomas Fisk, aged twenty years, and John Gilbird, aged sixteen years, deposed that they did not see John Bisson, servant of Walter Fayerfield, at meeting at Wenham for one month together. Sworn, 25 : 9 : 1673, before Wm. Hathorne,* assistant.

Caleb Kimball, sr., testified that he saw Henrie Osborn put his cows into the common field and keep them there on the Sabbath day morning last, and that this was his common practice.

"Gentellmen of the Grand Jurye this maye Informe yowe that I sawe Henry osborne keeping of his Cowes the Last saboth day morning by his barne in the Comon fealld. Simon Stace."*

Elisabeth (her mark) Abit, aged twenty-five years, deposed that Mary Grely, Goody Wells' maid, told her that she was afraid that she was with child by Lorange Clinton.

Arter Abbit's bill of charge for Mary Grely's lying in: houseing and lodging and diat, 11l.; for the midwife, 5s.; nursing, 15s.; for sack and lickers, 3s. 6d.; for fier wood and other expenses, 6s.; total, 2li. 10s. 6d.

Tabatha Haward, aged about fifty-two years, deposed that she never heard Clinton nor Goody Abet speak about the case.

Margrit Boarman and Elizabeth Boarman deposed that Laranc Clenton said that Goody Abut told Goody Haueard the story, etc.

Samuel Hunt, jr., and Elizabeth Redington deposed that Tho. Knoulten's wife came to their house one night the last spring a little before the court to get Betty Hunt to lie with her. Goodwife Knolton told "my mother that bety woodward wold sew her: for what said my mother: wi for saying that she wos wth child: then my moth^r asked goodwife knowlton if eauer shee hard her say so: O law said shee I wold not say so for one hundred pounds: for I neuer hard you say so in my life." Sworn, Sept. 30, 1673, in Ipswich court.

Samuel Hunt, with Elizabeth — and Elizabeth Redington, deposed that he went to Joseph Leigh's for his horse. Also concerning the story about Betty Woodward. Sworn, Apr. 16, 1673, in Ipswich court. Copy made, June 19, 1673, by Robert Lord,* cleric.

Summons, dated 3 : 9 : 1673, to the constable of Charles Towne for the appearance of William Foord, to answer a presentment for sailing with his boat from Anasquam at Gloster on the Lord's day, signed by Hilliard Veren,* cleric, and served by Tho. Russell,* constable.

William Elery, aged about thirty years, deposed that he saw

* Autograph.

William Ford of Charlstown set sail in Annesquam upon a Saturday night about nine o'clock and came through the gut, and he heard him say that he got home on the Sabbath day in time to go to meeting in the afternoon. Sworn, Nov. 21, 1673, before Edward Tyng,* assistant.

John Collens, jr., aged thirty-eight years, deposed that "y^e next Saboth day after y^e court of Election I being at Cappann hard diuers say y^t william ford was there with his boat being bound to boston but I did not see him there but I saw a boat at saill without y^e harbors mouth in y^e morning a Saboth day and seuerall told me it was ford and he went out of y^e cut in y^e morning befor day; and y^e next weeke I being at boston and mett with him I was speaking to him concerning his goeing on y^e Saboth he told what should I not make use or take my opportunity of y^e wind to get home though It were the Saboth-day; I ould and further he told y^t he was at hom by after-noon meeting." Sworn in court.

Bill of cost in the action between Mr. Samuuell Philleps, John Pearson, sr., Benaiah Titcumb, Pennuell Titcumb, Moses Bradstreet, Joseph Boynton and Abell Platts v. Mr. Joseph Dell, for witnesses at Boston, etc., 4li. 11s. 6d.

Thomas Laughton, cleric, in behalf of the selectmen of Lynn, "receiuinge a note from the worshipfull maio^r William Hathorne and m^r Henry Bartholemew a comitteee chossen to see some repaire to be done att the greate Bridge in our Towne did agree with Henry collins Juniar and Joseph Collins to repaire the same for w^{ch} they were to haue three pounds."

Ed. Batter's bill of cost, 2li. 11s. 6d.

Sarah Story and Mary Fellows testified that being at Goodman Procter's house, they asked him what should be done with his wife's clothing and he answered that it should be disposed of among his daughters and Martha Hadley, both woolen and linen, also her horse and all the wool that was in the chamber, about one or two hundred pounds. He also said that he had given his son James White one pair of oxen which were not entered in his will. Sworn 24 : 7 : 1672, at Ipswich court. Copy made, Oct. 3, 1672, by Robert Lord,* cleric.

Anthony Daye testified that he saw the widow Stanwood come several times from Goodman Peirce's house. Sworn, Sept. 30, 1673, at Ipswich court.

Fran. Wainwright's* receipt, dated July 7, 1673, to Richd. Juop for fish for Jamsin & Leavy. Owned in Ipswich court.

John Payne's bill of cost, 1li. 2s. 4d.

Obadiah Bridges'* receipt, dated June 23, 1673, to Thomas Peerce, his father, in part of pay for his portion given him by the court in Ipswich in a feather bed and bolster, 5li. Wit: Elizabeth (her mark) Robardes.

* Autograph.

COURT HELD AT IPSWICH, MAR. 31, 1674.

Judges: Samuell Symonds, Dept. Govr., Major Genrll. Denison and Major Wm. Hathorne.

Jury of trials: Ens. Tho. French, Edw. Chapman, Dan. Hovey, Edw. Bragg, Robert Kinsman, Jo. Knight, Jo. Webster, Jo. Poore, James Barker, Lenard Haryman, Jo. Grant and Tho. Baker.

Agreed that all costs in all actions shall be paid in money.

John Griffin v. Robert Hasseltine. Appeal from a judgment granted by Major Genrll. Denison. Verdict for defendant, confirmation of the former judgment.*

Fragment of a plan of a lot of land in Ipswich, probably Tho. Bishop's. Robert Kinsman mentioned. —nd Fiske, surveyor.

List of presentments, signed by John Rucke,† in the name of the rest of the grandjury.

*Copy of the papers in this action brought before Daniel Denison, made by Daniel Denison:†

Writ: Robert Hazeltine of Bradford v. John Griffin; for appearance before Daniel Denison at his house in Ipswich upon Feb. 5, immediately after lecture in the afternoon, at two o'clock or as soon as the lecture is done; trespass, for damage by swine in corn; dated Jan. 28, 1673; signed by Nath. Saltonstal, for the court; and served by John Tenny, constable of Bradford, by attachment of the house and orchard of defendant in Bradford.

Judgment for plaintiff. Appealed to the next county court. John Griffin and James Sanders bound.

Bill of cost, 26s. 8d.

Town orders made Feb. 24, 1672: "It is ordered that all fences about Corne feilds shall be made up sufficiently at or before the first of April next ensuing the date heereof. It is ordered that all swine aboue two months old shall be sufficiently ringed at or before the last of May next upon the penalty of 12^d per swine & so to be kept from time to time till the last of october next ensuing the date hereof. It is ordered that all cattle, horses & swine taken doing damage in corn feilds shall pay all damages & twelve pence a peice for pounding. Shubal Walker, Samuel Gage, Robert Haseltine, Nicolas Wallingford Thomas Kimball."

John Griffin's reasons of appeal, dated Mar. 25, 1674, "without any reflections upon or dishonor unto the s^d Judge": that the time stated, some time the last summer when the damage was done was too indefinite; that the appraisal was made by relatives of Hazeltine, and not indifferent men; that the damage was

† Autograph.

caused by the insufficiency of the fence and was not to be laid to his swine; that the testimonies against him "are such as are raked up in his owne family & of his owne kindred, which if counted good, then any man that hath many relations about him may make up any case in the world."

John Hazeltine, jr., aged about sixteen years, deposed that Griffin refused to join with his father in appointing men to appraise the damage. Sworn, Jan. 31, 1673, before Nath. Saltonstal, commissioner.

David Haseltine and Henry Kimbal testified that they left word at John Griffin's house with his wife concerning the damage, etc. Sworn by Kimball, Jan. 29, 1673, before Nath. Saltonstal, and by Haseltine, Feb. 5, 1673, before Daniel Denison.*

Nath. Saltonstal attested upon oath as commissioner, Oct. 6, 1673, that the plaintiff and defendant were at his father Ward's house, etc. He understood that the appraisers, Benjamin Kimbel and Samuel Haseltine, were the son-in-law and nephew of Hazeltine.

Robert Hazeltine, jr., and William Smith, both aged about sixteen years, deposed that the hogs were not yoked and some had no rings and they pounded the said hogs in Robert Haseltine's house or hogs-coat. Sworn, Jan. 31, 1673, before Nath. Saltonstal, commissioner.

Benjamin Kimbal and Samll. Haseltine, fence viewers of Bradford, found Haseltine's fences insufficient against orderly cattle. Sworn, Feb. 5, 1673, before Daniel Denison.*

William Smith deposed that one hog which was taken in Mr. Ashby's corn, etc. Sworn, Feb. 2, 1673, before Nath. Saltonstal, commissioner.

Robert Haseltine, jr., deposed. Sworn, Jan. 31, 1673, before Nath. Saltonstal, commissioner.

Mercy Kimbal, aged about thirty years, deposed. Sworn, Jan. 29, 1673, before Nath. Saltonstal, commissioner.

Shubal Walker and Henry Kimbal deposed that they appraised the damage for Robert Hazeltine, etc. Sworn before Nath. Saltonstal, commissioner.

Haniel Clerke, aged about twenty-three years, deposed that he ringed the hogs. Sworn, Feb. 2, 1673, before Nath. Saltonstal, commissioner.

Benjamin Kimbal, aged about thirty-seven years, and Saml. Hazeltine, aged about twenty-six years, deposed that there was a ditch with wood upon the bank which made a good fence. Sworn, Jan. 29, 1673, before Nath. Saltonstal, commissioner.

Robert Hezeltine's bills of cost, 11s. and 10s. 2d.

Robert Hezeltine, sr.'s answer to the reasons of appeal of John Griffin: that the eleven hogs about two years and a half old in the corn might have made the damage as appraised; that his

* Autograph.

John Griffin v. Robert Hasseltine. Appeal from a judgment granted by Major Genrll. Denison.*

George White v. Ens. John Gould. Debt. Verdict for plaintiff.

Major Genrll. Denison v. Henry Lenard. Verdict for plaintiff. Damages in bar iron.†

Nath. Putman v. John Pease. Replevin. Verdict for defendant.‡

outside fence was sufficient; that he had carried himself as a loving neighbor to John Griffen; and in answer to the objection to so much evidence of relatives, he says, that "wee liveing at soe great distance one from another in our Towne that it is hard to goe some miles to procure witnesses."

†Writ: Major Daniel Denison v. Henry Leonard; debt of 12li. 10s. in bar iron at 24s. p C. or 1,000li. and 50 pounds of good bar iron, due for rent of a sixteenth part of the Iron works at Rowley village; dated Feb. 9, 1673; signed by Robert Lord,§ for the court; and served by Robert Lord,§ marshal of Ipswich, by attachment of a cubbard, chest and trunk and part of his share of the iron works.

Major. Genrll. Denison's bill of cost, 1li. 2s. 2d.

John Saford and John Gould deposed that Major Generall Denison had one-sixteenth part of the Iron works at or near Topsfeild, which amounted to 6li. 8s. for every half year's rent in bar iron. Sworn in court.

‡Writ of replevin, for two and one half acres, and sixteen poles of land belonging to Nathaniel Putnam now distrained by John Pease; dated 11 : 1 : 1673; signed by Hilliard Veren,§ for the court; and served by John Peas,§ constable of Sallem.

John (his mark) Pease, constable, made duplicate return, Mar. 9, 1673-4, that "By virtue of a warrant from the selectmen Leuied by way of Distresse vpon the estate of Nathaniel Putnam six pound and ten shillings beinge his proportion of the meetinge house Rate with Charge of Apprizers," 2 1-2 acres and 16 poles of arable land at 2li. 10s. per acre "lying neare his dwellinge house in his feild before his house on that side of it next the brooke beinge 30 poole in length & 13 3-4 in breadth." Appraisers, Thomas Fuller,§ Joshua Rea,§ Francis (his mark) Nurse and Nathaniel Felton.§

Another return, of the same date, with appraisers, Joshua Rea,† Henery (his mark) Keny, Francis (his mark) Nurse and Nathaniel Felton.§

Copy taken from the Salem town book, by Jno. Corwin,§ in the name of the selectmen: "Att a Generall Towne meeteing held

* See files on p. 269 marked (*).

§ Autograph.

Apr. y^e 5, 70, It's ordered that there shall be a New meeting house built for y^e worship and Holy Servis of God in publicke and that it be about 60 foott long 50 foott wide & 20 foott high in y^e stud and to be sett at y^e west end of y^e old meeteing house toward y^e Pryson And m^r W^m Browne Sen^r Capt. George Corwin Edmond Batter and Mr. Bartholmew are Impowred to agree wth Carpenters and other workemen for to build y^e s^d house & finish itt Nott excedeing y^e sum of one thousand pounds price."

"Att a Generall Towne meeteing held y^e 18th da 5 mo. 1670. It's ordered that y^e payment for y^e Building y^e meeting hous shall be Raised by a Rate y^e Select men are Impowred to make & Raise y^e Rate for paiment of Som for building a New meeteing house."

"Instructions giuen to y^e selectmen An. 19. 1 mo. 1667-8. 1. We desire of & expect fro you that you be Carefull to obserue all those things that you are Injoynd to p Law of y^e Country that soe y^e Towne May not sufer for yo^r neglect therein. 2. You shall neither giue sell nor Exchange any Land belonging to y^e Towne. 3. You shall Rayes noe money nor Town Rate wth out y^e vote of y^e Towne. 4. You shall noe ways Ingage y^e Towne soe as to bring them unto debt except in case of nesessity of y^e poore wherein we desire to Incourage yo. 5. We desire yo to take Care of y^e heard & Bulls & in all these we desire God may be wth & help yo."

Capt. Walter Price and John Corwin were appointed, Mar. 27, 1674, to answer for the town in this action of replevin brought between Nathaniel Putnam and John Pease, constable, in refusing to pay rates toward the new meeting house. Copy made by Jno. Corwin, and attested by the selectmen and undertakers of the meeting house, Henry Bartholmew,* Wm. Browne, jr.,* Ed. Batter,* Wm. Hathorne, sr.,* George Corwin,* Joseph Grafton* and Richard Prince.*

"Att a Generall Towne Meeteing held y^e 22 da. 1 mo. 1671-2 Voted y^t y^e farmers that now are or hereafter shall be willing to Joine togeather for y^e provideing a minister among themselues whos habitations are aboue Ipswich highway fro y^e Horse Bridge to the wooden Bridge at y^e hither end of m^r Endicot's plaine and from thence upo. a west line shall have Liberty to haue a minist^r by themselues and when they shall haue procured one & pay him maintenance y^t then they shall be discharged from their part of Salem minist^rs Maintenance and this to Continue as long as y^e Minist^r abides wth ym & is maintained by them Prouided allways they shall bare all other Charges whateuer among themselues both wth Respect to their meeting hous & Minist^rs house or otherwise whatsocuer in Carying on this worke & alsoe bare their porportion of all other publick Charges in y^e Towne." Copy made by Jno. Corwin.*

* Autograph.

Petition, dated 1 mo. 1669-70, "We whose names are here subscribed taking into consideration the motion that is now on foote concerning the building of a new meeting house now at Salem haue with one consent agreed not to contribute to the same at all (not knowing how long it may bee beneficiall to us) unles you likewise of the towne will beare share with us when wee shall build one for our selues." Signed by John Porter, sr.,* Thomas Putnam,* Richard Leach,* Nathaniell Putnam,* Thomas Fuller,* John Putnam,* Joshua Rea,* Robart Prince,* Joseph Hutchinson,* Joseph Holton, Nathaniell Ingersall, James Hadlock, John Wilkins, Zerobabel Endecott,* Henery Kenney, John Leach, Thomas Small, Bray Wilkins, John Gingell, Thomas Wilkins, Philip Knight, Richard Hutchenson, John Buxton, Jonathan Walcot, Jobe Swinerton, jr., Edward Bishop, Joseph Herick, Jeremiah Watts.*

"Att A generall Courtt Held at Boston the 8th of October 1672:

"In Answer to the petition of Farmers of Sallam The Courtt Judgeth it met to order that all parsons liuinge within y^t tract of land mentioned in the Town Grant to the petitioners: together with all lands & Estates lyinge within y^e said boundes shall contribute to Al Charges Referinge to the maintinance of a menistrye or Erectinge of a metinge hous thar: & that thay shall haue liberty to nominate & Apoint parsons Amongst them selues or toune of Salam not Exsedinge the number of five whoe are hereby Impowred from tim to time for the makinge & Gathringe of all Rats & leuies for the ends Aboue expresed: & that in cas of Refusal or nonpaimentt of the same bye anye parson or parsons a mongst them: that then the Constables of Sallam, shall & herbye Are Impowred to make destres Uppon the goodes of Anye that shall so neglect or Refeus to to deliuer to the parsons aforsaid to be Improued acordingely: & that when a menistry shall be settled amongst them thay shall be freed from Contributinge to the maintinance of the menistrye at Sallam."

George Corwin, aged about sixty-three years, deposed that "hee being one of the fower that the Town of Salem did chuse to make an agreement with Jn^o Fisk for the building of the new meeting house att Salem and suddenly after it was known that wee had agreed with him for mony and goods, severall of the farmers which now Refuse to pay theire Rates without suite, came unto me, and earnestly desired me to speak with M^r Fisk for otherwise they knew not how to pay their mony parts amongst the which Corp^l Jn^o puttnam Josua Rey & Henry Keeny, and desired me earnestly to speak with Jn^o Fisk that they might haue the drawing of the timber and told me that they vnderstood that the said Fisk had or was near about an agreement with William Dodge for drawing of the s^d timber, and said they thought it was unreasonable that any men of other towns should draw it

* Autograph.

seeing they must pay their shears to the building of the s^d house, vpon which I did speak to Jn^o Fisk of it and told him that it was butt Rationall, that those of our town should draw the timber, seeing they must help pay to the bilding of it, to which he made reply and said he thought so to, and did wish hee had known it sooner that they would haue drawn it, butt nevertheless speaking with them they using the same arguments to him as he said, and they said they could not pay better then by working it out which moved him to break of as hee said from Dodge & Comp^y and to agree with them, although he was to giue dodge & Comp^y twenty shillings to Release him as he said, and farther some of the Farmers hath paid Long since, as Left Puttnam paid vnto me for Jn^o Fisk his use fiue pownds Robert Prince fifty shillings, and some others of them say also that they will pay, butt are not able att presant." Sworn by Capt. Corwin and John Fiske, 31 : 1 : 1674, before Wm. Hathorne,* assistant.

John Putnam and Joseph Huchinson testified that "beinge at a town metinge at Sallam in the Yeare seuenty wharein the mater wos to be desided whether the ould meetinge hous should be Repaired or a new hows Bilded: Thare beinge seuarell of the farmors sent in a wrightin wharein wos y^e subscription of seuarall parsons: that thay would not Contrebutte to the Buildinge of a new metinge howse without the town would Contrebutte to us in the buildinge on for oure selues: leftenant putnam & John putnam was desired by us to giue this wrighting to be Reead in the Towne metinge: Capt. Corwin wos moderator for that day & Receiued a paper of left putnam: which wos that paper as wee do consaue: which we did subscribe too & he beinge often desired to read that wrightinge would not read it till the vote was past: & thare beinge no negative vote we had no oparteuintye to show ower mindes." Sworn in court.

The law produced as evidence:

"Pagge y^e first no mans Life shall be stained No mans Person shall be a Rested Restrained Banished dismembered Nor any ways punished No man shallbe depriued of his Wife or Childeren, no mans Goods or Estate shall be taken away from him nor any ways Indamaged, under Colour of Law or Countynance of authority Vnlesse it be by Vertue or Requity of some Expresse Law of ye Contery, warranting y^e same; Established by a Generall Court & suficently Published, or in Case of y^e defect of a Law, in any perticular Case by y^e word of God.

"In Page y^e 50. That Euery man whether Inhabitant or foriner, free or not Free shall haue Liberty to Come to any Publick Court, Counsel or town meeting & Either by speech or writing to move any Lawfull seasonable or meteriall question or to present any Necessary motion Complaint Petition Bill or In-

* Autograph.

Andrew Heyden v. James Bayley and Ezekiell Northend.
Debt. Verdict for plaintiff. Damages in corn and butter.*

Walter Fairefield, son of John Fairefield, and heir to Elizabeth, his mother v. Daniell Kellam. Trespass. Verdict for defendant.†

formation whearof y^t meeting hath Proper Cognizance, so it be done In Conueniant time, due order & Respectiue maner.

"In Page 78. That all & Euary free man. & all other athrowized by Law Called to Giue any aduise voat verdict or sentence In any Court Counsell or Ciuill asemleg shall haue freedome to do it according to their Judgment & Consience so it be done orderly & Inofenceauely for y^e maner & y^t in all Cases Wherein any free man or other Is to Giue his vote, be it in point of Election makeing Constetution & orders or passeing sentence In case of Judicatuer or y^e Like, if he Cannot see Light or Reson To Giue it positively on way or other, he shall haue Liberty to be silent & not pressed to a determinate vote which yet shallbe Interpreted & Counted, as If he voted for y^e negative & further y^t where so Euer anything Is to be put to voat & sentence to be pronounced or any other mater to be proposed or Read in any Court or Asembly, if y^e president or moderator shall Refuse to perform it, y^e major part of y^e members of y^t Court or asemlee shall haue power to apoint any other meet person to do it & if their be Just Cause to punish him y^t should & would not."

*John Johnson deposed that he paid his part of the rate laid for Andrew Hiden's wages for keeping cows, in corn and butter, and that notice was usually given by the selectmen for his wages to be paid in such pay. Sworn in court.

†Writ: Walter Fayerfield, son of John Fayerfield of Wenham, deceased, and heir to Elizabeth, his mother, deceased, sometime wife of said John v. Daniell Killam; for carrying away wood that said Walter felled upon land which his father gave to his mother and her heirs, about twenty-four acres in all, divided into two lots, that of nineteen acres where the trees were felled being in Ipswich, bounded on the south by the Ipswich and Wenham line, on the east by land that was bought of Giels Ferman and bounded by a highway called the new highway, and on the north by Master Hinksman's land, formerly Robison's, and on the west by land of Thomas Fisk and Henery Kemball, the title of the land to be determined; dated Mar. 11, 1673-4; signed by Robert Lord,‡ for the court; and served by Jon. Lee,‡ deputy for Robert Lord,‡ marshal of Ipswich, by attachment of cattle.

Henery Kemball, aged about fifty-six years, deposed that about Dec. 25 last, he saw Walter Fayerfield and John Bisson fell trees in the nineteen acre lot, which was part of the parcel

‡ Autograph.

John Johnson v. Thomas Remington. Debt. Verdict for plaintiff.*

that was formerly in partnership between John Fayerfield of Wenham, and Joseph Bachelder. Also he saw Daniell Killam carry away part of the wood, John Gilbird and said Walter being present at the time. Sworn in court.

Samuell Fiske, aged about twenty-four years, deposed that Walter Fairefield often complained of his brother John Fairefield for not making up his part of the divisional fence between them about two years ago, and about two or three years ago John Fairefield was at about 5s. cost in money to straighten the line on Edward Cobrun's side, between said Cobrun and him. Sworn in court.

Richard Hutton deposed that Walter complained of his brother John but the spring before he died, the whole was finished, and the land sued for was on John's side of the divisional fence from the lower end up to the highway. Sworn in court.

Copy of the Ipswich court record of Mar. 26, 1667 and the will of John Fairefeild, made by Hilliard Veren,† cleric.

Daniell Killum's bill of cost, 2s.

Mathew Edwards, aged about forty-two years, deposed that he was asked by Walter Fayerfield to go to Wenham to show to Henery Kimball, John Gilbird and John Bisson the bounds of this land in controversy which belonged to deponent's uncle, John Fayerfield, and he and Petter Paulfry and Richard Petingell made the division, etc. Sworn, 18 : 1 : 1673-4, before Wm. Hathorne,† assistant.

Thomas Feske, aged about forty-three years, deposed. Sworn in court.

John Gilbird, aged about seventeen years, deposed that Daniel Killam, jr., desired him to help sled wood, etc. Sworn in court.

John Bisson, aged about seventeen years, deposed that he helped sled the wood, etc.

Richard Pettingell, aged about fifty-four years, deposed. Sworn in court.

*Writ, dated Mar. 25, 1674, signed by Tho. Leaver,† for the court; and served by Jeremiah Elsworth,† constable of Rowley.

John Watson, aged about thirty years, deposed that about five years ago, he and Thomas Remington were speaking about a bargain that he made with John Johnson, which was contained in a bill dated Dec. 20, 1668. He was to pay 8li. 15s., one-half in wheat or barley and half in pork, for a mare and a cow, etc. Sworn in court.

† Autograph.

John Johnson v. Thomas Remington. Verdict for plaintiff.*

*Writ: John Johnson v. Thomas Remington; for not making good to him the rights of one gate and a quarter in the east end ox pasture at Rowley, sold by said Remington to said Johnson, and the pay received, Johnson having occupied it about ten years, and now again occupied by Remington by putting his cattle there; dated Mar. 25, 1674; signed by Tho. Leaver,† for the court; and served by Jeremiah Elsworth,† constable of Rowley, by attachment of house and land of defendant.

John Johnson's bill of cost, 2li. 11s. 4d.

Thomas Teny, aged about sixty years, deposed that Johnson had owned the gate and had maintained the fence ever since about the time that John Teny was married, which was about ten years ago. Sworn in court.

John Watson deposed that Remington told him that Johnson paid him 50s. in wheat and pork for the gate, all except the wood. Sworn in court.

Henry Reily deposed that Remington told him, knowing that he was appointed to pound cattle, that he had put two cows into the ox pasture. This was a month before the breaking up of the common field. Sworn in court.

James Barker deposed that nine or ten years ago, hearing that Thomas Remington had a gate to sell, he inquired about it but found the price was too high, etc. Sworn in court.

Andrew Hiden, cowkeeper, deposed that Remington said he had a right to put his cows into the ox pasture on account of the gate that he sold Johnson. Sworn in court.

Samuell Brocklebanke,† keeper of the town book of records, affirmed that as far as his observation went and upon search of the records, the only claim to ox pasture was by virtue of fencing it in and nothing but herbage could be claimed on any other account. As for timber, rock or mines, if any were found, they should be in common.

Ezekiell Northend deposed that having discoursed with Thomas Remington about the land he purchased of John Teny, etc. Sworn in court.

John Pickard deposed that he knew Johnson paid for the gate about three years ago. Also that Thomas Remington complained to deponent that they pounded his hogs several times for getting into the ox pasture and said it cost him about 16s. and entreated deponent's help. One argument he used was that he had sold his rights to deponent's brother Johnson, and if he had kept them he would have been dealt with better. Remington's wife affirmed the same. Sworn in court.

Richard Holms, aged about sixty years, deposed that gates

† Autograph.

Erasmus James, John Legg, James Denis and Nath. Wallton, in behalf of the commoners of Marblehead v. Robert Bartlett. For breaking the order. Verdict for plaintiff. Appealed to the next Court of Assistants. Robert Bartlett bound, with John Williams and Wm. Beale, sureties.*

were let in that pasture for 10s. a gate by the year, etc. Sworn in court.

John Pickard deposed that 20li. damage would not be so good to John Johnson as the thing in controversy. Sworn in court.

Richard Holms deposed that he would not sell one gate for 16li. Sworn in court.

*Petition, dated Mar. 24, 1674: "Whereas there Are Seuerall Actons Comensed by Erasmus James, John Legg, James Den- nis, And Nathaniell Walton und^r the Denomination of Agents, or Attorneys to the Comone^{rs} or Town of Marblehead. There- fore Wee Whose names Are und^r Written Doe utterly Disown Any Such Act or Pow^r giuen them, or that Euer there was any Towne meeting for such A purpose or Any Pow^r giuen them of Such A Nature Alsoe Wee utterly Disown and protest Against itt thatt Euer we gaue all or any of o^r Townes men any Manner of ord^r to Call any p^rson or p^rsons to An Acc^t for Any thing of such A nature as is Declared In there sumonses, o^r that wee euer Impowred the selectmen to ord^r Constitute or Appoint any soe to Doe but Wee most Humbly Conceiue that the thing in hand Is As Followeth viz^t

"That A partt of the Inhabitants of the towne Lay Claime to all the vacantt or Comon Lands Herbidg & Appurtenances thereunto belonging Within the bounds of the said Towne & to bring there purpose to pass they haue made many Illegall orders und^r the notion of Towne Acts. Also Some of Them haue most Illegally As Wee Conceauae Lotted outt seuerall Lottments of our Towne Comons to bee there own prop^r Estate and pro- prieties Against which Actions soe Irregularly Done as Wee Conceauae we Being Intrested in y^e same title as Free Houlders, According to the Laws Established in this Collony Doe utterly protest against All Such Acts Done by Partt under the notion of A whole Town Act; And whereas the Towne made Choise of an Able Man for Record^r To keep the Towne Booke They haue fraudelantly gott Away the said Book & keepe it & Deny vs A Town Meeting notwithstanding the Selectmens Time Was out the Fifteenth Day of this p^rsent March. Also for the Caus- ing an end of Publiq worke, as Ministry Scooles, Alms for the poorer Sortt & the Like if it Doe not proue to the utter De- populating yett Itt will proue to the utter undoing of soe use- full A place as this is for the Benefit of the Comon Wealth."

Signed by John Brimblecom, John Pedrick, Samuell Morgin, Thaddeus Redden, William Beale, Samuell Nickloson, William Pitt, Cristopher Lattimore, Vincent Studson, Robert Hoopper, John Rodes, Ben. Parminter, Thomas Dixy, Henry Trivet, Robert Bartlet, Elias White, Jesper Greffen, John Pedrick, Thomas Sowden, Henry Russell, Richard Haniver, Mathew Clarke, Samuell Red, Thomas Teiner, Samuell Candy, Thomas Trefry, Mathew Salter, James Smith, Roger Russell, Edward Holeman, Jeremia Gachell, John Hutson, Abraham Allen, Jonathan Gachell, and Thomas Russell.

Erasmus James' bill of cost, 4li. 16s. 10d.

Letter of attorney, dated Marblehead, Jan. 13, 1673, given to Erasmus James, John Legg, James Dennis and Nathaniell Walton by Moses Mavericke,* Samll. Ward,* John Peach, sr.,* Richard Rowland, Robert Knight, John Peach,* Richard Norman, John Woldron, John Codnor, Tommas Petman, Marckes Petman, Willam Woods,* Neckleas Merratt, Elias hendly, Thomas Smeath, William bartell, Loat Connent, William neck, John Deverickes, sr.,* Will. Poat,* John gachell, sr., John Legge, thomas boyen, John northy, the widow bartell, Eliner Steacy, thomas Roads, Joseph dolleuer, henery Steacy, marget bennet, James wates, rishard downing, rishard reed.

Cristopher Lattimore and Samuell Morgon testified that at a town meeting in Marblehead in the beginning of the year Mr. Thaddeus Radden was chosen to keep the book called the Town book, and it was delivered to him at that meeting. Sworn in court.

William Beale, aged above forty years, deposed that Mr. Francis Johnson told him that he could neither attest nor swear that the book called Marblehead town book was a true copy of the records of those things that were transcribed out of the old book, neither was the old book whole, but several leaves had been torn out before he transcribed it. Sworn in court.

"Marblehead Aprill the 10th 1671

"The men Chosen by the plantation: being mett for stintinge the commons that there might be an equaall proceeding had; having respect to the famillies according to theire former Common charges: finding the Commons: but littell as we conceiue to pasture not more then 50 head of great Cattell or Cowes accounting a Horse or Mare as two Cowes two yearling Cattle: for one Cow Fouer Goats or Sheep to a Cow: a Steer or Bullocke of two yeare old as a Cow: the number of the families in the plantation being 44 families: thus stinted: James Smith and Rowland, 1 Cow; Samuell Dallaber, 1; John Gatchell, 1 1-2; Edmond Nicolson and Simson, 1 1-2; William Barber, 1; David Thomas, 1-2; John Legg, 1; Peter Pitford, 1-2; Erasmus James, 1; Thomas Bowing, 1; John Stacie, 1; Georg Ching, 1; John

* Autograph.

Northy, 1; Nicolas Merrett, 2; Thomas Pitman, 1; Timothy Allen, 1; Thomas Sams, 1; Arthur Sanding, 1 1-2; Isaack Allerton, 2; Moses Mavericke, 3; Mr. Wm. Walton, 2; John Lion, 2; Henery Stacie, 1-2; William Chichester and Samuell Corwithing, 1; David Corwithing, 1; Thomas Gray, 1; Richard Norman, 1; John Peach, jr., 1; Richard Curtis, 1; John Hartt, 2; William Charles, 2; John Deverux, 2; Abraham Whiteare, 1; John Peach, sr., 2; John Bartoll, 1; Joseph Dollebar, 1; Robert Knight, 1-2; John Bennett, 1; Francis Johnson, 1; Walsingham Chilson, 1-2; John Norman, 1; William Luckis, 1; Christopher Latamore, for John Goyt, 1; total, 51 cows. Signed by Moses Mavericke, Aurthur Sanding, Richard Norman, William Charles, John Hartt, John Peach, and John Lion, townsmen.

"Anno 1650. Itt is agreed that noe man shall keep any Cattell vpon the Commons beyond the stint without the consent of the purchasers upon the penalty of twenty shillings a head

"Aprill the 6th Anno 1661. Att a generall Towne meeting: the order for the Commonage of Cattell and theire stint being in the yeare 1650 is this day voted to stand: John Bartoll Senior and John Peach junior is chosen to looke to the execution of this order aboue expressed about the Commons and cattell.

"October the 21th 1662. Itt is agreed that the Townsmen now being and those that shall be Townsmen for time to come shall haue power and also are inioined to see the order of commonage to be executed: and that for time to come there shall bee none chosen to be Townsmen butt such as are Commoners

"February 17th Anno 1663. Att a generall Towne meeting: itt is agreed by the Commoners of the Towne that there shall not any Cattell be kept on the Commons: but by those that haue propriety in the said comons vpon the penalty of twenty shillings: According to a Towne order made in the yeare 1650: Therefore all the Inhabitants that haue noe commonidge are required either to keep noe Cattell or procure commonidge of those that haue more then they use:

"March 19th 1668 : 69. Att a generall meeting of the Commoners and purchasers Richard Rowland John Peach Senior and Joseph Dallabar are chosen to looke after the Commons and those y^t to the order made 1650:

"March the 15th 1672 : 73. Att a generall meetting of the Commoners itt is agreed that the penalty for keeping of a Cow vpon the Commons: without Commonage shall be the some of ten shillings euery Horse or Mare accounted for two Cowes euery two yearlings for a Cow foure Sheep For a Cow: and euery person offending herein shall be liable to haue the penalty aboue said to be distrained vpon his goods by the persons appointed to looke after this order: which are for this year the same that were chosen the last yeare: Namely Nathaniell walton and Robert Bartlett: who are to haue one quarter part of

what they gather for their paines: giueing a true account of the rest to the Commoners."

"Whereas Richard Rowland John Peach Sen^r or Peach Jun^r By reason of an act dated March ye 11 68 : 69 : haue taken ockcasion to Commence & prosecute som suites in law against som of y^e inhabitants of Marble Heade y^e which powre wee doe not understande was then giuen to them or intended by any at y^t Towne Meeteinge & alsoe doe Conceiue it to tende to A uery euill consequence uppon diueus weytesy Considerations

"We therefore whose names are here under written doe order y^t y^e persons abouenamed for y^e time to com meddle not to sue any person under y^e Colloure of a powre deriued from towne or commoners & that speedily they giue up an ackcompt of their ackting & pay what they haue recieued of all or any person whatsoeuer dated this 24 feb. 71 : 72 : Niccolos Merrit, Ambros Galle, Richard Riffe, Richard Norman, Mathew Clark, John Waldron, Thomas Dicsey, Robert Knight, Nathannell Walton, Will. Beale, George Bonfile, Robert Bartlett, James Dines, Samuella Walton, James Wates, Marke Pitman, Will. Bartol, Thomas Smith, Edward Reeding, Will. Neck, Frances Collan, Christopher Lattamore, William Poat."

Christopher Neck, aged about forty-one years, deposed that he wrote the foregoing by order of the men within specified, who desired him to set their names thereto, which he did. Also that he read it to them and they owned it to be their own act, at a public town meeting in Marblehead. Sworn, 30 : 1 : 1674, before Wm. Hathorne,* assistant.

Christopher Lattimore and William Beale, sr., deposed that about sixteen or seventeen years ago, at a town meeting "y^e old inhabitants," so called, complained that the town was originally in debt for disbursements laid out at the first settling of the town with reference to common charges "in feching y^e minister building of y^e meeteing house & ye like; obiection was made that it belonged to those y^t came first To pay their one engagements & much such like discourse aboute ye aforesayed matters; answer was made by ye old inhabitants yt ye new comers had as much preueledg in ye Towne as ye first Comers expeyting that w^{ch} they bought with their money; then it was put to vote in ye Towne meeteing & ye vote carryed it & a rate was made & ye Towne was cleared oute of debt with respeckt to ye old errages; alsoe ye sayed deponents testifie yt ye afore sayed Commons hath been common to all ye inhabitants for cutting timber firewood and flake stuff & all sorts of underwood & ye like without expection to any of ye inhabitants or fishermen; as for stinteing of hogs or cattell wee are stranger to that not knowing of a legall stinte on either of them." Sworn in court.

* Autograph.

Petition for a town meeting on Mar. 16, 1674, "wee desire it ye more because wee Suppose ye inhabitants are now most at home & urgent occasion requires it; aboute eight of ye clock in morning," signed by Thaddeus Riddan,* Christopher Lattemer,* William Beale,* John (his mark) Brimblecom, Frances Girdler,* Benimen Parmiter,* John (his mark) Studson, Samuell Conndy,* John (his mark) Rodes, sr., George (his mark) Peeke, Thomas (his mark) Sowden, Nickolas (his mark) Andrewes, Thomas Trefry,* John Hooper,* Thomas (his mark) Teyner, Samuell (his mark) Nickleson, Samuell (his mark) Red, Edward (his mark) Holeman, Richard (his mark) Hanniver, Henrie Russell,* Steeven Griggs,* Thomas (his mark) White, Andrew (his mark) Tucker, Elias White,* John (his mark) Bartlett, Thomas (his mark) Dixee, sr. or jr., Georg (his mark) Bonfiede, Robert Bartlett,* William Pitt,* Henry Treuet,* Vincent (his mark) Studson, Gabriell (his mark) Holeman, John (his mark) Harriss, Thomas (his mark) Bowen, Richard (his mark) Rowlande, Wm. (his mark) Neck, Robert (his mark) Hooper.

Francis Johnson, aged about sixty-seven years, deposed that he was the keeper of the town book and after another had been chosen and kept the book for some years, it was returned to him again. Then he found that several leaves had been cut or torn out. Further that there was a general town act for the clearing of all "former Towne Relagies & it was one this Accompt that those that the Town was indebted to should take that Rate and not to Require any former Relages any more." Sworn, 28 : 1 : 1674, before Wm. Hathorne,* assistant.

Jeffery Massey, aged about eighty-two years, deposed that long since by Salem town orders, he laid out lots, both small and great, on Marblehead side, but "I doe not Remember that euer I was Called by any of the Inhabitance of marblehead to make a devident of the pasteringe called marbelhead Comons." Sworn, 28 : 1 : 1674, before Wm. Hathorne,* assistant.

Edward Reed, aged about sixty years, deposed that he asked for a town meeting to be called, but the selectmen refused, etc. Sworn, 28 : 1 : 1674, before Wm. Hathorne,* assistant.

Thaddeus Ridden, aged about forty-nine years, testified that he went to Mr. Rawson, the secretary, to inquire whether Marblehead was allowed by the General Court to be a town, and Mr. Rawson showed him the record in 1649. Sworn in court.

Ben. Parmenter deposed that it is about twenty years since the land where Robert Barlet lives was first occupied by a dwelling house. Sworn, 30 : 1 : 1674, before Wm. Hathorne,* assistant.

Benjamin Pammiter, aged upwards of sixty years, deposed that about twenty years ago in a town meeting, the old inhabitants complained that the town was in debt to them, and a rate

*Autograph.

Erasmus James, John Legg, James Dennis, and Nath. Wallton, in behalf of the commoners of Marblehead v. Christopher Lattimore. For breaking order. Verdict for plaintiff. Appealed to the next Court of Assistants. Christopher Lattimore bound, with John Williams and Wm. Beale, sureties.

Lift. Samuella Appleton v. Samuella Hunt. Special verdict. If this action comes under the penalty only of the law which speaks of ten shillings for a man's taking another's horse without leave, they find for plaintiff 10s. damage and the horse to be returned, otherwise for plaintiff 30s. damage and the horse returned.*

was made in which deponent paid his share. He has heard several of the plantation complain of the greatness of the rates in Marblehead and some of the "old standers" have answered them that they had as much privilege in the town as they had themselves. Sworn, 30 : 1 : 1674, before Wm. Hathorne,† assistant.

Benjamin Pammiter deposed that William Beale brought in a protest at a Marblehead town meeting against the truth of the town book, that the protest was owned and the book condemned to be false, and he did not hear anyone at that meeting justify the truth of it. Also he deposed that according to his best skill in feeding cattle, Marblehead commons pastured yearly three hundred head of cattle, etc. Sworn, 30 : 1 : 1674, before Wm. Hathorne,† assistant.

Elias White, aged forty-five years, deposed that the old inhabitants claimed they were in debt for "feching in ye old minister & building y^e meeteing house & y^e like Common charges." Also that he paid his share of the rate and had kept cattle and hogs on the commons for the past ten or eleven years. Sworn, 30 : 1 : 1674, before Wm. Hathorne,† assistant.

William Beale, aged upward of forty years, deposed that when the suggestion was made to sue for trespass, they all concluded that they would be arrant fools to empower anyone to do so. Also that when the town book was condemned to be false. "I thinke som there ded Burne it." Sworn in court.

James Smith, aged upward of fifty years, deposed that Mr. Thaddeus Radden was chosen one of the selectmen in 1673, and also recorder, etc. Sworn, 30 : 1 : 1674, before Wm. Hathorne,† assistant.

Cristopher Lattemore, aged upward of fifty years, deposed. Sworn in court.

*Anthony Potter and Esaiah Wood deposed that about three weeks ago they heard Goodman Hunt ask Leafternant Apleton

† Autograph.

Sam. Hunt v. Thomas Knowlton. Defamation. Verdict for plaintiff.*

Mr. John Paine v. Deacon Moses Pengry. Withdrawn.

Mr. Wm. Hubbard v. Ruth White, administratrix of Thomas White. Debt. Verdict for plaintiff, damage 36li. only in the saw mill.†

if he would deliver up his horse to him, that his son took from Thomas Bordman. The Leaftenant replied and asked deponents to bear witness that he demanded a horse of Goodman Hunt that he took out of his stable. "What I," said Goodman Hunt, "yes, you," said the Leaftenant, or "by your order," etc. Sworn in court.

*Arter Abbet, aged about thirty-four years, deposed that some time the last spring one morning before day, he and his wife heard the dog bark at the barn and he told his wife he thought there must be somebody in the barn stealing hay. Hearing the dog continue to bark, he arose at the dawning of day and saw somebody there, for the barn was open so he could see through. He called Jonas Gregori who said if anybody was taking hay, it was being stolen, for he had given no one leave to take any. They both went to the barn where they found Sammuell Hunt making up a bundle. Said Hunt told them that he intended to make up the bundle and then talk with them about it. Sworn in court.

†Writ, dated Mar. 11, 1673, signed by Robert Lord,‡ for the court; and served by Walter Fayerfield,‡ deputy for Robert Lord,‡ marshal of Ipswich, by attachment of the sawmill in Wenham, which was built by Thomas Whitt, Thomas Fiesk and Walter Fayerfield.

Notification of attachment to Ruth White, relict of Thomas White, and administratrix appointed by the court.

Bond, dated May 26, 1669, Thomas White‡ of Wenum to Seth Perry of Boston, for 3li. 5s., to be paid in pork, malt or barley, in consideration of a drum that White bought of him. Wit: Samuel Aldridg‡ and Joseph Proutt.‡

Bond, dated Apr. 7, 1669, Thomas White‡ of Wenham to Henry Bennitt of Ipswich, for 6li., to be paid in English corn and Indian corn, delivered at Ipswich. Wit: Jacob Bennett.‡

"Mr Willi. Hubbard pray deliuer to the bearer hearof hezeciah an Indian: the sum of fvee shillings in mault & Charge it to the Account of him who is yours at Comand Thomas White.‡ this 8 Jully 1672."

Peter Brackett's‡ receipt, dated Mar. 20, 1673-4, to Mr. Hubert, minister of Ipswich, for twenty pounds in butter, cheese and

‡Autograph.

Mr. Wm. Browne v. Edward Wooland. Debt. Verdict for plaintiff.

Hugh Marsh v. Wm. Sargent. Debt. Verdict for plaintiff, in wheat and barley.

Mr. Wm. Norton v. Nickolas Listen. Debt of 8,000 merchantable pine boards. Withdrawn.

Deacon Thomas Knowlton v. Henry Lenard. Debt. Verdict for plaintiff.*

malt, which was by the appointment of Tho. White of Wenham.

Wm. Hubbard's declaration: "Whereas I was indebted to Thomas White of Wenham in ye yeare 1671, seventy five pound, I was induced by y^e entreaty of y^e sayd White not only to let him have sundry things w^{ch} he wanted, but also to make sundry payments for him to severall of his creditors, in so much that when I came to looke over his account after his death, I found that I had made payment of above thirty pounds more than I owed him, partly by what I had formerly disbursed, and partly by what I had by his desire & order engaged to doe, and so was forced to pay it at ye Demand of his Creditors." The account follows:

Thomas White, Dr., to Wm. Hubbard† since 1671, by 32 gallons of licors from Mr. Duncon, 8li.; a payre of oxen in 1671, 11li. 5s.; by mony payd him May, 1671, 5li.; by goods from Boston, 1671, 2li. 15s.; by Mony, May 27, 1671, 2li. 10s.; by mony paid Mrs. Sands for him, 13s. 7d.; pennistone, 13s.; 2 lb. of Indian corne by J. Sparks, 6s.; by a rate of ye Towne, 10li. 12s.; Sept. 26, 1671, in goods, 1li. 1s. 6d.; in money, Sept. 27, 1671, 5s.; payd Mr. Waynwright for him, 1672, 3li. 10s.; payd Deacon Goodhue for him, 8li. 1s. 5d.; 2lb. of Mault, 9s.; pd. Hezakial, Indian, for him, 5s.; 8 1-2 lb. Indian corn, 1li. 5s. 6d.; by 2 Cowes, 7li.; by his order to his wife for giving up her thirds in some lands, 18li. 8s.; to Deacon Goodhue and N. Rust, 1li. 5s.; by a bill to Waynwright, 1li. 10s.; by 20 lb. of Mault, 4li. 10s.; by a bill to Mr. Waynwright, 2li. 5s.; payd, Mr. Bracket, 20li.; Seth Perry, 3li. 17s.; Henry Bennet, 6li.; Mr. Wilson, constable, 2li. 8s.; total, 114li. Thomas White, Cr., by a bill, 75li.; carting, 10s. Sworn in court.

*Writ, dated Feb. 19, 1673, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal of Ipswich.

Abraham Knoulton deposed that he heard his uncle Knoulton and Mr. Lennard make up their accounts and there were about nine pounds due his uncle. Mr. Lennard received at the same time several pair of shoes. Sworn in court.

Edmond Bridges deposed that Mr. Lenard promised to pay

† Autograph.

Henry Bennett v. Deacon Moses Pengry. Verdict for plaintiff, 40s. or a confirmation of the land, at the defendant's choice.*

Thomas Bishop v. Ens. John Gould and John Newmarsh. Debt. Verdict for plaintiff. Appealed to the next Court of Assistants. Ens. John Gould and John Newmarsh bound, with Symon Tuttle and John How, as sureties.†

Thomas Knoulton for what shoes he had of him every half year in iron, barley or hides. Sworn in court.

*Writ: Henry Bennett v. Deacon Moses Pengry; for refusing to give him a legal assurance of a deivision lot at Hog Island which Bennett exchanged with him for six acres of marsh at Plumb Island several years since; dated Mar. 20, 1673-4; signed by Robert Lord,‡ for the court; and served by Robert Lord,‡ marshal of Ipswich.

Goodman Benite's bill of cost, 2li. 7s.

John Roberts, aged about twenty-eight years, deposed that Henery Bennett let him a parcel of grass, next John Kimball's, for ten shillings, and when he went to mow the grass, Deacon Pengry's sons hindered him, claiming that Bennet had no meadow there, for it was theirs. Sworn in court.

Thomas Perin deposed. Sworn in court.

Phillip Foulter, aged about twenty-five years, deposed that he had the marsh at Plumbe Island by exchange with Henery Benet for a division lot at Hog Island. Sworn in court.

Robert Lord, aged about seventy years, deposed that when the bargain was made the Deacon's wife brought a pint of wine for them to drink, and they with Robert Lord, jr., went to lay it out. There being a parcel of the same marsh that Pengry had bought of Samuella Lord lying next to said Bennett's marsh, they laid it out together, with the marsh of Robert Lord, jr., on one side, and the rest of said Bennett's on the other. Robert Lord, jr. testified the same. Sworn in court.

Tho. Dennis and Moses Pengrey, jr., deposed. Sworn in court.

Hennary Benit deposed. Sworn in court.

John Robarts deposed that he went to Plum Island to cut grass on the marsh he had hired of Goodman Benit, but Goodman Pingary's sons forbade him, etc. Sworn in court.

Moses Pengry, jr., aged twenty-four years, and John Pengry, aged about twenty-one years, deposed that they found Goodman Perine, John Robberts and two others mowing their father's grass. They told them that Bennet's marsh was on the other side next to Mr. Payns, etc. Sworn in court.

Joseph Browne deposed that he mowed for Pengry, etc. Sworn in court.

†Thomas Bishop's bill of cost, 1li. 19s. 2d.

‡ Autograph.

Margrett Bishop v. Nicolas Maning. Debt. Verdict for plaintiff. Appealed to the next Court of Assistants. Nicolas Maning bound, with Nath. Putman and Thomas Fiske, as sureties.*

Rich. Thurla v. John Griffen. Debt. Withdrawn.

Samuell Lenard v. Robert Lord, marshal. Withdrawn.

Ens. John Gould v. Henry Lenard. Forfeiture of a bond. Verdict for plaintiff. Court moderated the bond from 20li. to 5li.

Ens. John Gould v. Henry Lenard. Nonsuited.

Mr. John Ruck v. Henry Lenard. Verdict for plaintiff, in bar iron.

Samuell Bishop v. Georg White. Verdict for plaintiff. Court moderated the bond of 4li. to 5s. Thomas Bishop, in behalf of Samuell Bishop, appealed to the next Court of Assistants, and was bound, with Samuell Hunt as surety.†

Samuel Bishop v. Robert Evans. Verdict for plaintiff.‡

*Bond, dated Nov. 24, 1671, Nicholas Maning,§ gunsmith, of Salem, to Margaret Bishop, for 5li. 5s., to be paid at the now dwelling house of said Maning, in good anchors not weighing less than 100 weight each. Wit: Thomas Bishop|| and Michael Endell.||

Letter of attorney, dated June 24, 1673, from Margaret Bishop of Ipswich to her son Thomas Bishop. Wit: Edmond Marshall|| and Samuell Bishop.||

†Samuell Bishop's bill of cost, 2li. 1s. 6d.

Nathaniell Wells, aged thirty-six years, deposed that being at Mistress Bishop's on Mar. 23, 1673-4, George White offered to give Mr. Samuell Bishop the bond which he was to give him. Bishop said it was too late and was unwilling to accept it. White asked deponent to witness that he offered it and was refused and White asked deponent to read it, but the latter noticing some differences between them, answered he would do so if the folks of the house were willing, etc. Owned by the plaintiff in court.

‡Peter Duncan, aged about forty-five years, deposed that he heard Robert Evens say that he had taken up goods of Mr. Jno. Freike of Boston for a fishing voyage in Mr. Samuell Bishop's ketch, in company with Samuell Elwell, and he heard some of the company say that Mr. Freike would not take up Even's bill. He also heard Evens acknowledge he had part of a barrel of rum that the said company had of Mr. Freike. Sworn in court.

Jno. Freke's|| account of what Robert Evens and company

§ Autograph and seal.

|| Autograph.

John Saffourd v. Henry Lenard. Debt. Verdict for plaintiff, in bar iron.*

Mr. Peeter Duncan had his license renewed for a year, also his license for stilling and selling liquors.

Hugh Marsh had his license renewed for a year, also his license for selling liquors.

Ezekiell Woodward had his license renewed for a year, also his license for drawing liquors.

Thomas Judkin had his license renewed until Salem court.

Mr. Baker's license was renewed for a year, also his license for liquors.

Edward Hassen's license was renewed for a year, also his license for drawing liquors.

Merchant Wainwright, Samuel Bishop, Ens. Jo. Gould and John Stone of Beverly had their licenses renewed for a year.

The following, being admitted to the freedom of this colony, took the freeman's oath: Wm. Colman and John Row of Glos-ter; Jo. Bager, Jo. Lunt, John Noyes, Cuting Noyes, Joseph Gerish and Josh. Browne of Newbury; Mr. Jo. Rogers, Mr. Sam. Cobbitt, Robert Kinsman, Tho. Clarke, Daniell Hovey, Abra. Fitt, Joseph Goodhue, Joseph Whipple, Phile. Dane and James Day of Ipswich.

John Newman dying intestate, administration upon the estate was granted to Alice Newman, the relict, and an inventory amounting to 172li. was allowed. Court ordered that by consent of the brother of deceased, 38li. was to be paid to the brother and sister, two parts to the brother and one part to the sister, and the rest of the estate to the widow.

Edward Richason was allowed cost in an attachment made by Mr. Dudley Bradstreet and not entered.

Samuell Lenard acknowledged judgment to Phillip Cromwell in an anchor and bar iron.

Thomas Davis, for stealing a bag of nails belonging to Mr. Symon Bradstreet, out of Nathaniell Pyper's bark, was ordered to be whipped and to pay all charges.†

had of him, by Mr. Sam. Bishop: to 3 yds. Kersey 16s.; paper, 8d.; 4 1-2 doz. Hookees, 15s. 9d.; to Rume, 1li. 2s. 7d.; to paid Jno. Kenne, 2li.; total, 4li. 15s.

*John Safford's bill of cost, 2li. 8s. 10d.

†Examination of Thomas Davis, aged about twenty-six years:

John Putman, for summoning John Pease to this court, with no action entered, was allowed costs.*

Mr. Dudley Bradstreet was allowed clerk of the writs for Andover.

Mr. Dudley Bradstreet, Lift. John Ossgood and Ens. Tho. Chandler were confirmed commissioners to end small causes at Andover.

There being a small farm left by Thomas Joanes for the use of his children, and court having put in Jerimy Meacham as a tenant, court now dismisses said Meacham and appoints Samuell Verry and John Smith to take the farm and the rest of the estate, and improve it for the children's use. The word tenant was mistaken. It should have been administrator.

Robert Wallis dying intestate, court granted administration of the estate to Nicolas Wallis, his son, and an agreement of the children presented to the court, was allowed.

In the complaint against Thomas Woodberry, putting himself for trial upon a jury, the jury found him not guilty.†

he confessed that on "Tuesday was seavennight," he went down to Nathaniel Piper's bark, and opening the hatches, went into the hold, took out a bag of nails which he brought to his shop. He put them under a heap of coals and since had disposed of them as follows: 8,500 shingle nails to Ezekiel Woodward for 3s. 4d. per 1,000, to Quartermaster Perkins 600 board nails and the six penny nails, to Goodman Lovel 400 board nails, to Jacob Perkins about half a hundred, and to Ensign Gould about 5 or 6 hundred of board nails. Left in the hands of Mr. Wilson, 13s. 7d. Sworn before Daniel Denison.‡

Account of nails Simon Bradstreet‡ sent by Goodman Pyper to Ipswich, in a bag: 10,000 shingle nails at 3s. 9d., 1li. 17s. 6d.; 2,000 board nails at 21s., 1li. 1s.; 2,000 clapboard nails at 6s. 6d., 13s.; total, 3li. 11s. 6d.

Bond for Thomas Davis' appearance at the next Ipswich court, dated Mar. 9, 1673-4, signed by Samuell Graves‡ and Andrew Peeters.‡

*Summons, dated Mar. 11, 1673, for appearance of John Pease, constable, upon complaint of John Putnam, for illegal distraining of his land under pretence of law, signed by Hilliard Veren,‡ cleric.

†Warrant, dated 5 : 11 : 1673, addressed to Henry Skery, marshal of Salem, for apprehension of Thomas Woodbury of Beverly, at Mr. Gardner's, to answer the complaint of Nicholas

‡ Autograph.

Edward Sawyer dying intestate, court granted administration upon his estate to his two sons John and Ezekiel, to be divided between them, the elder son to have 20li. more than the other. They were ordered to maintain their mother as long as she lives, the land to stand bound for the performance of it.

Capt. Wm. Gerish, Lift. Archelas Woodman and Nicolas Noyes were confirmed commissioners to end small causes at Newbury.

In the case of John Gould in his action of account between said Gould and Henry Lenard, with the consent of the parties, court appointed Mr. Ezekiel Rogers and John Wainwright to audit the accounts, and where it is not clear to signify to the next session of this court, to be then determined.

Wm. Wormwood, upon his presentment of the last court, appearing before the commissioners, Capt. Gerish engaged to pay 16s. to the treasurer and fees to the clerk.

Manning, and his wife and daughter, signed by Wm. Hathorne,* assistant. On the reverse: "Thomas Woodbery coming to me sayd nicklas manning tould him of this bisenes: & sayd he had bine with y^e mager: & he tould him he had giuen a warrant to apprehend him to y^e marshall & that I might take ball of my brother or Goodman Massey: & I did then serue y^e warrant vpon his body he tendred to me & took his father Woodbery with himselfe" on the bond; signed by Humphery (his mark) Woodbery and Thomas Woodbery.*

Mary Thorndike, aged about twenty-five years, deposed that she lived in the house of Thomas Woodbery about half a year, he being at home about half the time, and she never saw any evil, lascivious or wanton behavior by him in all her life, neither did she hear him use any "vaine or frothy speeches." Sworn, 30 : 1 : 1674, before Wm. Hathorne,* assistant.

Peter Woolf, aged about seventy-three years, deposed that his meadow was near Thomas Woodbery's, and he had never seen him making hay with Hannah Gray, but his children used to make hay there daily. Sworn, Mar. 17, 1673, before Samuel Symonds,* Dep. Gov.

Elizabeth Fowler deposed that about two years since she nursed the wife of Thomas Woodberry. There was a girl who dwelt there named Hanah Gray, who was a lying girl, and several times in the night when deponent waked, she missed her and heard her laughing and giggling at the boys' bed which was in the same room. Further deponent had known Thomas Woodberry a great while and while his wife was sick did not require the girl to get any victuals for him, etc. Sworn in court.

* Autograph.

Jacob Rowell chose George Norton for his guardian, and the court allowed it.

Hanah Gray, for great offences, was ordered to stand at the meeting house at Salem upon a lecture day, with a paper on her head on which was written in capital letters, I STAND HEERE FOR MY LACIVIOUS & WANTON CARIAGES. Also at the lecture at Beverly, in like manner, or else be whipped, and the marshal and constable to see it done at Salem, and the constable of Beverly at Beverly.*

John Stainewood was bound for appearance at Salem court to answer Christian Marshman's charge, with Timothy Somes, Phillip Stainewood and Benjamin Joanes, as sureties.†

*Mary Sollas, aged about seventeen years, deposed that sometime in the summer last year, as she came near Thomas Woodbery's house, she heard Hana Gray laughing, and going in quick without knocking, the door being open, she being a neighbor, saw said Hana and Andrew Davis together. Deponent told of many other occasions when said Hana was guilty of lascivious carriages, and deponent's brother Robert told her how Hana would entice the "scoller boys," and that she was guilty of bawdly language and acts among the boys and girls. Sworn, 2 : 11 : 1673, before Wm. Hathorne,‡ assistant.

Hanna Grove, aged about nineteen years, deposed that she had seen Hanna Gray riding about the field astride upon her master's mare and she also lived with her one winter. Sworn, 12 : 11 : 1673, before Wm. Hathorne,‡ assistant.

John Batcheler, sr., aged sixty-three years, deposed that when Hanna Gray lived in his family, she was a lying little devil and his wife Elizabeth could say the same. Sworn, 12 : 11 : 1673, before Wm. Hathorne,‡ assistant.

Freborne Black, aged about forty years, deposed that he gave Hanna's dame warning about her a year ago. She was so rude to his children in abusing and beating them, and when he spoke to her about it, she would mock him to his face. As for his neighbor Thomas Woodbery, he had lived by him thirty-five years and had never seen any uncivil carriage in his childhood or later years. Sworn, 12 : 11 : 1673, before Wm. Hathorne,‡ assistant.

Elizabeth Hill, aged about thirty-eight years, deposed that going to Macrell Cove about two and a half years ago, and passing Woodbury's house, went in to see his wife, etc. Sworn, 12 : 11 : 1673, before Wm. Hathorne,‡ assistant.

†Grace Duch, midwife of Gloster, deposed that William Sar-

‡ Autograph.

Peeter Tappan was licensed to make, boil and sell sturgeon, according to law.

Wm. Chandler of Newbury was appointed searcher and sealer for sturgeon at Newbury.

Samuell Hunt, presented for suspicion of felony, was fined 50s. and ordered to pay costs to Left. Appleton.*

Samuell Hunt, jr., was fined 6s. 8d. and Jo. Lyne, 10s.*

Thomas Shaddock, for fornication, was fined 4li.

Symon Tuttle, aged about forty-three years, the only child living of Mr. John Tuttle and Joanah, his wife, who are deceased, "we say the sd Symon the heire of the sd John & Joanah Tuttle appeared before the court in good health the 4th day of Aprill Anno. Dom. 1674."

Samuell Lenard summoning Ens. John Gould to appear at this court to answer an action of replevin, and not prosecuting, said Gould was allowed costs.

Court adjourned to May 5.

COURT HELD AT SALISBURY, 14 : 2 : 1674.

Daniell Gookin, Esqr., president; Major Robert Pike, Capt. Nathll. Saltonstall and Mr. Samuel Dalton, associates.

gent asked her to examine his servant, Christon Marshman, which she did with said Sargent's wife. Said Christon declared that John Stainwood was the father of the child. Sworn in court.

*Samuell Hunt, sr., Samuell Hunt, jr., John Loynes and Daniell Weicom were presented for taking away a horse from the stable of Lieftenant Samuell Appleton by night, and giving it to Daniell Weicom where it was found. Wit: John Loines, who confessed in the presence of Lt. Samuell Appleton, Mr. Samuell Rogers and Samuell Apleton, jr.

From Samuel Dalton's commissioner's records. See *ante* p. 235.

William Walles and Jane Drake married 15 : 10 : 1673.

Isaack Green and Mary Casse married 18 : 12 : 1673.

William Houldredg, jr., of Exeter and Lidia Quenby of Amesbury married 10 : 2 : 1674.

On 13 : 9 : 1673, Elizabeth Garland widow, and John Garland, her son v. Ensign John Samborn, in behalf of the town of Hampton, in an action of replevin upon 2,000 white red oak staves, which were seized at the landing place near William Fuller's land. Elizabeth Garland appointed Henery Roby her attorney. Judgment for plaintiffs.

On 27 : 12 : 1673, Samuel Leavett v. Henery Sparkes, for taking away his bridle from Goodman Robie in a disorderly way, under suspicion of theft. Judgment for plaintiff.

Grand jury: Capt. Christopher Hussey, foreman, Henry Palmer, John Ilsly, Samll. Felloes, John Gill, Jarrett Haddon, John Hoyt, sr., Daniell Hendrick, John Samborn, John Cass, Robert Smithe and John Robison.

Jury of trials: Mr. Anthony Stanian, foreman, Benjamin Swett, Tho. Marston, Andrew Grele, James Davis, Samll. Hutchins, William Sargent, John Kimball, Mr. John Stockman, George Carr, jr., Robert Downer and John Young. Samll. Foot, in Grele's cases, and Peter Jonson and Jno. Smith, in Major Pike's case.

Thomas Barnard, jr. v. Joseph Peasly. Trespass. For felling and carrying away his timber from his land in Amsbery bounds, near a place called Hoult's rocks, and adjoining a lot which was formerly called Edward Cottle's, now belonging to William Sargent, and thereby claiming the land to be his. Verdict for plaintiff, the land in controversy.

Nathall. Winsly v. John Souter. For letting George Martyn go out of his custody and not satisfying said Winsly in money due by execution under the hand of Mr. Rawson, secretary, which execution was served by Abraham Drake, the marshal general's deputy, upon said Martyn, by taking him to the prison door at Hampton, and committing him to said Souter, the keeper. Verdict for plaintiff.

The town of Hampton, or their attorney v. William Bacon and Tho. Kenery. Trespass. For breaking up, fencing in and improving about four or five acres of land in Hampton commons on the North side of the pond beyond the little boar's head, without leave of the town either by grant or purchase, and for keeping possession of the land two or three years, thereby hindering the range of the cowherd into the commons. Verdict for plaintiff, the land in controversy. The attorney, John Redman, engaged to respond for both defendants. Appealed to the next Court of Assistants. This case was committed, with the consent of the plaintiff, to the rest of the jury, Hampton

On 29 : 9 : 1673, the widow Garland v. John Mason, for abuse offered to her son Jacob, taking him by the collar or neckcloth at the house of Hen. Roby, drawing him over the threshold and smiteing his head against the stones. Owned by said John, and Jacob ordered to pay 10s.

On 29 : 9 : 1673, Henery Robey being convicted by testimony of Abraham Shepard of excessive drinking upon 8 : 9 : 1673, he was ordered to pay 3s. 4d.

jurymen being taken off. John Redman and William Fifield bound.*

Phillip Grele v. Pall Batt. Debt. According to covenant dated Mar. 8, 1671, under Grele's hand and seal. Verdict for plaintiff.

Phillip Grele v. Mr. William Symonds. Debt. For 7,400 white pine board. Verdict for plaintiff. The boards to be delivered to plaintiff at Lampreele river.

Edward Colcord and parties v. Abraham Drake. Trespass. For fencing in a parcel of land granted by the town of Hampton for a way to their lands over the Mill brook, as appears by the town records, dated 16 : 12 : 1653, and for claiming the land as his own propriety. Verdict for plaintiff, the way in controversy as last laid out and two pence damage.

Edward Colcord v. Christopher Palmer. Review of a case tried at Salisbury court in 1666, concerning three parcels of land claimed by a pretended mortgage. Verdict for defendant. Appealed to the next Court of Assistants. Edward Colcord and Robert Ring of Salisbury bound.

Edward Colcord and William Roberts v. John Redman. Review of a case tried at Salisbury court in April, 1667, which was an action of review of a case tried at Hampton court in 1659, concerning a bond for appearance, wherein said Roberts and Thomas Jonson, deceased, were surety for said Colcord. Non-suited, because the court does not see how by law a review of the same case can be twice tried. Appealed to the next Court of Assistants. Edward Colcord and Robert Ring bound.

Phillip Grele acknowledged judgment to Mr. Tho. Bradbury for 3,000 merchantable white oak barrel staves or 1,500 mer-

*Henry Dow, aged about forty years, deposed that he heard Thomas Kenery own that he and Will. Bacon had fenced in all the land that they are sued for, both broken up and pasture land, and that they had sometimes hunted horses out of the meadows there by the pond. Deponent declared that there was about 40s. yearly damage to the town by hindering the cow herds from going where they used to go before there was any house built there, and by hunting their horses and swine from that part of the commons that used to get their living that way. Also that there were about four or five acres beyond this land that is fenced in. John Sanborne deposed the same. Sworn in court.

chantable white oak pipe staves, to be delivered at the Ferry landing place near the bridge in Salisbury.

Francis Davis v. John Severans. For selling four pumps and boxes of his at Boston, without his order. Verdict for defendant.

John Jolliff, assignee to David Kimball v. John Lock. Debt. For withholding debt due in refuse fish, dated Aug. 29, 1671. Nonsuited. For want of legal power to sue in this court and because of defect in the letter of attorney by an interlining therein.*

Robert Ring v. Nathl. Clarke. Review of a case tried at the Court of Assistants held at Boston, Mar. 5, 1672, which was an appeal from a judgment at Hampton court, with findings for plaintiff, reversion of the former judgment. The original action was for taking away a load of hay from a meadow, and the defendant not being attached by a lawful officer, the plaintiff was nonsuited.

The Reverend Mr. John Wheelwright, feoffee in trust to the wife and children of Mr. Robert Nanny, late of Boston, deceased v. James Chase. For not paying 12,000 feet of good merchantable deal board due for rent of a part of a saw mill, now standing upon Tayler's river in Hampton bounds, according to an agreement dated Jan. 2, 1672. Verdict for plaintiff. Appealed to the next Court of Assistants.

Nicolas Lissen v. Robert Wadleidg and Jonathan Thing. For not paying a debt due for a covenant under their hands, dated Apr. 15, 1670, which was to have been paid at 60li. yearly, for three years now past. Withdrawn.

Henry Green and Henry Roby were bound for James Chase's appearance.

Samll. Watts v. Samll. Gile. For not delivering 8,500 pine boards, also 20s. more, according to an award under hand of Daniell Ela, Shuball Walker and Tho. Kimball. Verdict for defendant.

Henry Roby v. Jno. Young. For withholding pay due plaintiff for the maintenance of the child of Judeth Roby, ordered by Salisbury court last, about 6li. 10s., at 2s. 6d. per week. Verdict for plaintiff.

*John Locke's bill of cost against Mr. John Jollife or Mr. Henerry Derring, his attorney, 15s.

Henry Roby v. Edward Colcord. For withholding five or six pounds which should have been paid to Alice Thomas of Boston in May, 1672. Withdrawn.

Samll. Weed v. Thomas Barnard, sr., in behalf of the town of Amsbery. For withholding his proportion of lands in the common divisions granted and laid out to the inhabitants of Salisbury newtown, now called Eamsbery since a meeting of said town, 10 : 10 : 1660, at which meeting there was granted to John Weed, sr., a township for his son Samll. Weed, by virtue of which said Samll. claims his proportion of commons. Verdict for defendant.

Edward Gove v. Major Robert Pike. Review of a case tried at Hampton court in 1673, for cutting and carrying away wood and timber upon his land, which is the second lot of Hall's farm, called by the name of Cobham's, in Salisbury, in which a special verdict was returned and court found for the defendant, and which judgment was reversed by the Court of Assistants. Special verdict, if the order of the town of Salisbury was legal, together with the order of the General Court, they found for the defendant; if not, for the plaintiff. Court found them legal. Appealed to the next Court of Assistants.

Anthony Stanian and Edward Gove, both of Hampton, were bound for Edward Gove's appearance.

John Redman v. Edward Colcord. For putting him to great trouble and damage to satisfy a part of a fine laid upon said Colcord at Wells court in 1672, whereby he agreed to bear him harmless, but has not. Withdrawn.

Christopher Palmer v. Edward Colcord. For defaming the plaintiff in bringing action against him at the last Salisbury court, charging him with cheating. Withdrawn.

Henry True v. Mary Andros, administratrix of the estate of Jededia Andros, her quondam husband. Debt. To be paid in neat cattle, bulls excepted. Special verdict, that if a bill given to a man, which bill contained not the name of his executors as bound, may be legally recovered against said executors, they found for plaintiff; if not, for defendant. Judgment for plaintiff.

Daniell Tilton v. the Town of Hampton. Review of a case tried at the last Hampton court, for trespass, for fencing in and

breaking up a four or five acres of Hampton commons. Withdrawn.

John Huggins v. the Town of Hampton. Review of a case tried at Salisbury court in 1673, for trespass in felling the town's timber, fencing in land, etc. Withdrawn.

Edward Gove v. John Partridg and Nehemiah Partridg. Debt, for two cows. Defaulted.

Susanna Martyn and Mary Jones making application for the division of the estate of Richard North between them, by virtue of a judgment of the Court of Assistants in March, 1673-4, which declared that said North's will was not legally proved and referred it to the Norfolk court, court affirmed that it had been legally proved, and Capt. Bradbury testified that he was one of the witnesses before the court and at that time he was compos mentis.

Capt. Nathl. Saltonstall, administrator of the estate of Matthias Button, acknowledged judgment to Daniell Ela.

Daniel Ela's license to keep the ordinary for Haverhill, John Severans for Salisbury, and Henry Robie for Hampton were renewed for the ensuing year.

John Souter of Hampton having had the consent of the selectmen to keep an ordinary, court allowed it, provided that he sell no wine or strong waters to be drunk in his house, yards or out-houses to any inhabitants of said town, either directly or indirectly.

Thomas and Mary Frame, upon confession, were convicted of fornication before marriage. He was to be whipped fifteen stripes, unless he paid 4li. fine, and she was to be whipped ten stripes, or pay a fine of 40s.

Edward Gove was discharged of his bond for good behavior.

Court declared that such persons as have been freed from military exercises, paying so much per year to the use of the company, "y^e s^d sum is to bee accounted as & for a fine w^{ch} is under y^e Cognizance of y^e clarke of y^e Company as other fines are excepting any & all pticular, & psonall orders w^{ch} are only Conditionall in w^{ch} case & so for y^e future such as shalbe freed from such exercises if they pay not their fine or pension to y^e satisfaccion of y^e clarke (money excepted) It shall then bee in his power by orders from y^e Comission officers, or cheif officer

to distraine for y^e whole sum y^t y^e law appoints for a fine upon non attendance."

Ordered that the recorder, not having entered the letter of administration granted to Bartholemew Heath upon the estate of his son Joseph Heath, shall now enter it and date it from the time it was granted. The administrator was ordered to bring in an inventory to the next Hampton court.

Ordered that the recorder of the court shall from time to time annually by some one of the deputies of Norfolk send to the General Court of election a certificate of the names of such persons as are annually nominated by the freemen of Norfolk for Associates for the County Court for the ensuing year, requesting the General Court to allow them.

Whereas at the last Hampton court, Teage Disco of Exiter was accused by Mary Parker, servant of Moses Gillman of Exiter of being the father of her child, and she persisting in the charge when the child was born, court ordered that her testimony and that of others who were present be given before Mr. Samll. Dalton, and that said Disco pay 2s. 6d. per week for the maintenance of the child.

Ordered that Mr. Dalton issue a warrant to the constable of Exiter to bring her before him upon some lecture day at Hampton to be corporally punished by ten stripes, for committing fornication.

Ordered that the highway between Salisbury town and the ferry, between now and the last of June, be repaired as judged sufficient by the selectmen of Salisbury or the major part of them, upon penalty of 40s.

Mary, daughter of Jno. Weed, being bound to this court for committing fornication with Nathll. Griffin, a joiner, who has fled since her accusation, court ordered her to be severely whipped with fifteen stripes, unless she pay a fine of 5li.

Henry Robie, convicted before Mr. Dalton for excessive drinking, was fined 3s. 4d.

James Jonson, John Smith, John Stanian, John Garland, Abraham Chase, Caleb Perkins, Thomas Cram, Jno. Hussey, Jonathan Wedgwood, Tho. Chase, Josiah Samborne, Francis Gennins, Capt. Christopher Hussey, convicted for breach of the law called Quaker's meeting, were admonished.

Mary Williams of Exiter, wife of Jno. Williams, confessed

to the crime of fornication before marriage and was ordered to be whipped fifteen stripes or pay a fine.

John Williams and Robert Powell had their bond for non-appearance forfeited.

Ephraim Severans, presented for uncivil carriages upon the Lord's day, was admonished.

Thomas Fowler of Amsbery, presented for killing a hog in his corn, not having proceeded according to law in crying said hog, was admonished, and ordered to pay if the owner of the hog appeared.

Court ordered Jno. Young to pay 2s. 6d. per week toward the maintenance of the child of Judeth Roby until the court takes further order or said Young agrees with Henry Roby about it, and that a sufficient bond be given to Mr. Dalton to secure the town of Hampton.

Court ordered that Henry Ambros, upon giving in personal security for the portions of the children of Timothie Worcester, which said Timothy had by Susanah, his wife, now the wife of said Ambros, to the satisfaction of Major Robert Pike and Mr. Samll. Dalton, should be released of his former security on house and land.

Administration was granted to Bartholemew Heath upon the estate of his son Joseph Heath, late of Haverhill, deceased, 14 : 8 : 1673, at the County court at Hampton.

Court ordered that the papers put into this court about North's will be delivered to Susannah Martyn and Nathll. Winsly, each to have their own papers, all except the copy of the judgment of the Court of Assistants, last past.

Allowed by the court to the house and the servants of Willi. Buswell, 10s.

Henery Roby of Hampton acknowledged a bond 30 : 10 : 1673, for the appearance of Elizabeth More of Exeter to answer for fornication with John Williams, before Samll. Dalton,* commissioner.

Copy of the will of Joseph Peasle, dated Nov. 11, 1660, and proved upon oath of Phillip Challis and Tho. Barnard, 9 : 2 : 1661, at Salisbury court: "My debts shalbe payd out of my estate, & y^e remaynder of my estate w^{ch} is left my debts being payd I doe giue & doe bequeath y^e one halfe vnto Mary my

* Autograph.

wyfe dureing her life & I doe giue vnto my daughter Sarah all my house & lands y^t I haue att Salisbury & I doe giue vnto Joseph my sone all my land y^t I haue upon y^e playne att Haverhill & doe also giue unto Joseph my sonne all my meadow lying in y^e east meadow att Haverhill, & I do giue vnto Joseph my sone all my right in y^e ox pasture att Haverhill and do giue vnto Joseph my sone fiue of y^e comon rights y^t doe belong to y^e playne I doe giue vnto my daughter Elizabeth my forty fower acres of upland lying westward of Haverhill & doe giue vnto my daughter Elizabeth fower acres & a half of meadow lying in y^e west meadow att Haverhill & doe also giue to my daughter Elizabeth fower of y^e comon rights y^t doe belong to y^e playne, & doe giue unto my daughter Jane ten shillings, & to my daughter Mary ten shillings & do giue vnto Sarah Sawyer my grandchilde my vpland & meadow lying att Spickett River & I doe giue unto my sone Joseph all y^e remaynder of my land att Haverhill w^{ch} is not here disposed of. I doe also make Mary my wife my sole Executer & do also leave Joseph my sonne & y^e estate y^t I haue giuen him to my wyfes despoising till Joseph my sonne bee twenty years of age." Wit: Phillip Challis, Tho. Barnard and Richard Currier.

Copy of the inventory of the estate of Joseph Peasly, taken by Richard Currier, Tho. Barnard and Willi. Barnes: A grinding ston & crank & betle ringe, 12s.; a smoothing Iron, 5 wedges & one Iron barr, 1li. 5s.; one payer of Andirons & 2 Spitts, 4 axes & 2 sawes, 2li. 6s.; one Crane, 2 tramells, gridiron & brand Iron & fire slice, one payer of cobirons & tonges, 1li. 14s.; one tow combe, parsell, 10s.; one iron pot & skillet, pot hookes & flesh hooke & frying pan, 1li. 4s.; 5 howes, 1 cheine & other Iron worke, 1li.; peuter & brass, 5li. 8s.; 2 gunns & one sword, 2li.; all his wareing apparell, woollen & linen, 8li.; cloath & searg & tame, 7li. 13s.; beds & bedding, 10li. 18s.; yarn, wooll, flax & hemp, 5li. 10s.; chests, barrills, spinning wheels & other lumber, 3li.; forty bushells of wheat, 10li.; sixty bushells of Indian corn, 9li.; 3 coves, 2 heffers & 1 calfe, 19li.; swine, 3li.; howse and land & meadow, 50li.; two Bibles & other bookes, 1li. 15s.; total, 143li. 5s.

James Davis, jr., and Theophilus Satchwell were desired by the widow Peasly, to appraise the real estate, which they did, as follows: 12 acres more or less within ye playne fenced as it is bounded in ye records, 50li.; 18 acres without ye fence, 40li.; 44 acres of ye 2d division, over ye little river westward, 35li.; 4 score and 4 of ye 3d division on Spicket hill, 35li.; 4th division of upland yet not pfected, altho granted by ye towne, 5li.; 6 acres of meadow at ye east meadow, 20li.; 4 acres & a half of meadow at ye west meadow, 8li.; 6 acres of 2d division of meadow at Spicket, 9li.; 4 acres of 3d division of meadow bounded in the new found meadow, 5li.; 4 ox commons & other cow commons, 16li.; total, 223li. Sworn to by Mary Peasly, executrix,

before Tho. Bradbury,* recorder, and copy made by Tho. Bradbury,* recorder.

Writ: Abraham Drake v. Capt. Walter Bearfoott; debt; dated 11 : 8 : 1671; signed by Samll. Dalton,* for the court; and served by Robert Smith,* constable of Hampton. Bond of Walter Barefoote* and Nicholas (his mark) Lissen.

Writ: Mr. Anthony Ashby of Haverhill v. Daniel Ela of Haverhill; for not delivering 158 bushels of Indian corn, which was received by said Ela their master, aboard of the ketch Patient Betty in Merrimack river at Haverhill, to be delivered at Boston or Salem; dated Mar. 8, 1671-2; signed by Nath. Saltonstall,* for the court; and served by Jno. Williams,* constable.

Writ: Moses Gilman v. Arthur Bennet; defamation; for saying that Gilman need not make such a stir about Thomas Huse, whom his maid charged with fornication, for the maid was as bad as said Huse; dated Dec. 2, 1671; signed by John Gillman,* for the court; no return made. Bond of Arter (his mark) Benick and Charles Hilton.*

Writ: Edward Clarke of Haverhill, attorney to Philip Rowell of Hampton v. Jotham Hendricks of Haverhill; debt for a horse, which was to be paid in a cow and two sheep; dated Apr. 2, 1672; signed by Nath. Saltonstall,* for the court; and served by John Williams,* constable of Haverhill.

Writ: Caleb Moudy v. Thomas Hoyt; debt, for cotton wool; dated Apr. 2, 1672; signed by Tho. Bradbury,* for the court; and served by Henry [Browne],* deputy constable of Salisbury, by attachment of house and land of defendant.

Writ: Joseph Peasly v. John Figg; debt, for 1,000 two-inch oak plank; dated Dec. 25, 1671; signed by Richard Currier,* for the court; and served by John Weed,* constable of Amesbury. Bond of John Figge* and Richard Currier.* Wit: Phillip Rouell* and Zackery Ares*.

Writ: William Sargent v. Mr. Francis Hooke; for refusing to satisfy him for a voyage to the westward the last fall, about seventeen weeks, at the rate of 55s. per month for wages; dated 15 : 12 : 1671; signed by Tho. Bradbury,* for the court; and served by Henry Browne,* deputy constable of Salisbury.

Writ: James Sanders of Haverhill v. Richard Dole of Newbery and Thomas Davis of Haverhill, administrators of the estate of Joseph Davis of Haverhill; debt of eight pounds, which Joseph Davis was to pay to said Sanders for four months' service with Sanders in 1668; signed by Nath. Saltonstall,* for the court; and served by Jno. Williams,* constable.

Writ: George Corlis of Haverhill v. Thomas Davis of Haverhill and Mr. Richard Dole of Newbery, administrators of the estate of Joseph Davis of Haverhill; debt, which was to have been paid to Mr. Jno. Todd of Rowley, Capt. Gerrish of New-

* Autograph.

COURT HELD AT IPSWICH, MAY 5, 1674, BY ADJOURNMENT.

Daniell Clarke was licensed to keep an ordinary for a year.

Sarah Woolcot, presented for fornication, was ordered to be whipped or pay a fine.*

bery and himself about five years since in staves at Exeter; dated Feb. 22, 1671; signed by Nath. Saltonstall,† for the court; and served by Jno. Williams,† constable, by attachment of land near Tho. Eaton's at the west bridge.

Writ: Thomas Davis v. Mr. Richard Dole and Tho. Davis, administrators of the estate of Joseph Davis of Haverhill; forfeiture of a bond; dated Oct. 11, 1671; signed by Nath. Saltonstall,† for the court; and served by John Williams,† constable.

Writ: Edward Colcord v. James Prescott; trespass, for felling his timber and attempting to build a house upon his land on the westerly side of the mill brook; dated 24 : 8 : 1671; signed by Samll. Dalton,† for the court; and served by Robert Smith,† constable of Hampton, by attachment of timber, boards and slabs of defendant.

Writ: Mr. Thomas Woodbridge v. Francis Thorn; debt; dated Apr. 1, 1672; signed by Samuell Dalton,† for the court; and served by Abraham Drake,† marshal, by attachment of four oxen in the hands of Peter Jonson.

Writ: Georg Walten v. John Severens; debt due from Henry Ambros, former husband of the present wife of said Cornet John Severens; dated Mar. 21, 1671-2; signed by Samuell Dalton,† for the court; and served by Abraham Drake,† marshal.

Writ: Jno. Colby v. Samll. Foot; for reproachful speeches against Mr. Hubberd, the minister; dated Mar. 9, 1671-2; signed by Tho. Bradbury,† for the court; and served by John Weed,† constable of Amesbury.

Writ: Tho. Bradbury v. Nathll. Boulter; debt, for 1,300 deal boards, to be delivered at the saw mill near Hen. Green's house at Hampton; dated Apr. 1, 1672; signed by Tho. Bradbury,† for the court; and served by Abraham Drake,† marshal.

Writ: Stephen Webster of Haverhill v. Andrew Greley; debt; dated Apr. 4, 1672; signed by Nath. Saltonstall,† for the court; and served by Jno. Williams,† constable.

Writ: Mr. Ward Woodman v. Nicholas Browne of Haverhill; debt, to be paid in wheat and barley; dated Mar. 6, 1671; signed by Anthony Somerby,† for the court; and served by Jno. Williams,† constable of Haverhill.

*Sarah, daughter of John Willcott, was presented for having a child born in March, Thomas Chadock being the reputed father. Wit: Elizebeth Browne, midwife, and Mary, wife of John Willcott.

† Autograph.

Marshal Robert Lord was allowed three pounds this year out of the fines that are ungathered.

Sam. Mighill was presented, but considering that it came out principally by his own confession, he was fined 30s.*

John Wattson was fined upon his presentment.†

John Chubb was fined upon his presentment.‡

Thomas Knowlton, upon his presentment for making a disturbance in the meeting, was sentenced to stand openly in the meeting house next lecture day all through lecture time with a paper on his breast, written in capital letters.§

*William Tenny deposed that Samuell Mickell acted lasciviously toward Margerey Tophet when he was threshing at Mr. Nelson's barn, etc. Sworn in court.

Margere Toope (also, Tape), aged about seventeen years, deposed that Samawell Myhill saluted her half a dozen times, and asked her to walk with him on a certain night, but she refused. She saw him when she went to put out the dog. Also one night when Mihill's wife was with deponent's mistress, he came to the house and deponent asked one of the children to go out and hold a cow, when he also offered his assistance. So the man's wife being there, she allowed him to go with her, etc. Sworn in court.

Bill of cost of William Tenny, Thomas Wood, William Bointon and Marjery Toope, for attendance at court one day, 8s.

†Thomas Wood, aged forty-one years, deposed that "sometime last sumer I being at worke at merchant Wainwright's house there came John Watson of Rowly to by wine & Tobacco and was pretty mery after he had done his Arrant and was gone merchant wainwright came out to me where I was at worke and said to me and those that were at worke wth me at that Time that he was perswaded that John watson had caried Away his knife my Answer was I hope not soe for I never heard he was given to stealing but A weeke or 10 days after I was Told that John Watson said he had bought a Good Ivery hafted Knife for A small matter of merchant wainwright when I heard of it then I dealt wth him about it and Told him that I feared he had stolen merchant Wainwrights Knife he Answered Againe he had none of it and denied it severall times." Later he confessed that he took it and delivered it to Corpll. Northend, who gave it to deponent to give to Mr. Wainwright, which he did. Sworn in court.

‡Presented for suspicion of chaining up the gate on the highway near the house of John Andrewes, with many rocks laid against the gate, which annoyed many in their passage. Wit: Samuell Giddings, Samuell Cogswell and Benjamine Marshall.

§Presented for calling out on the Lord's day in prayer time

Freegrace Norton, upon his presentment, was enjoined to keep a beam, scales and weights always in readiness for any to weigh their grists, also to be ready to take off and lay on men's grists. The court's sentence was that "we cannot but find it a gr^t misdemeanor being in a place of publicke trust, either through falshood or extreme negligence and therefore is fined 40s, leaving persons injured to take there remedy by law."*

in the meeting house, "Take notis of goodwife hunt that maks disturbanc there." Wit: Simon Stace, constable, and John Leighton.

*John Spark deposed "that through the default of bad grinding and want of measure in my meale for this sundry yeares together, not holding out to make so much bread in quantity as I used to doe in Serj. Waites dayes, to my greate losse, the merchants exspecting theire due, and I not able to make it good as formerly, I made my complaynt to sundry persons, and to one amonge the rest a person of worth and quality M^r Saltonstall by name who promised me Amendment, but I having found since that I have not had so much meale nor so good as formerly, was forced to carry his wheate to Rowly mill where I might haue it smaller ground that soe it might answer his endes; but I found that the wheate that went from hence to Rowly did fall as much short in measure as that which was ground here I conceive the reason was the wetnesse and dampness of y^e wheate this last yeare by reason of this last wet haruest, I often haue missed much meale in quantity for this many yeares, but I aprehend not through goodman Nortons dishonesty, but by reason of y^e mill lying so carelesly and so open that somtymes any one might who was dishonest draw out a grist from under the underpining, which is a thing I haue often complayned of and it is lately I have spoaken of it and have asked them that are concerned in the mill who should make my meale good if it was stollen."

Moses Pengry, sr., deposed that he was at the mill the past winter, when both the mills were grinding, and the wheat mill hopper was full of wheat and much meal in the trough. While he stayed for the grinding of his grist on the Indian mill, he saw the miller, Freegrace Norton, take a little bag up from over his head where the empty bags use to lie, and hang it where they take up the meal. Then he took the meal shovel and brought meal from under the spout and put about half a bushel of wheat meal more or less into it from the trough. Then he took the bag off the nail, doubled up the mouth of the bag, put it under his arm, went into his house and quickly returned without it. Sworn in court.

John Caldwell testified that he carried a grist to the mill and when it was ground he thought that there was not as much as

he carried and told the miller so, but he said nothing. The next time, he told him that he could not say why his last grist shrunk so for he ground it on the wheat mill, and what he ground it after, he could not tell. Of this last grist, he judged that he had a considerable quantity more than he carried to the mill. Sworn in court.

Josiah Clarke, aged about twenty-eight years, deposed that he carried half a bushel of Indian corn to the mill and the miller told him that if he would bring a pint of brandy he would put a peck of rye into his Indian corn this time and half a peck the next time. Deponent brought the drink, and Norton went to the toll tub and measured out some rye for him, "and as it stood in the half bushill by the hopper waighting till the hopper was empty before the hopper was empty one brought a bushill of Rey to grind and the miller tould mee I had best stay till that bushill was ground and so I did and I the said deponant doe testifie that I did se freegrace norton take toule of that bushill of Rey and after he had taken toule of it he went down below and ordered the mill and then he went up and sat down by the hopper till the mans back was toward him and ther I this deponant did se the said norton take his toule dish about half full or three quarters full of Rey out of that bushill and put it into that Rey which he had put into the half bushill for me." Sworn in court.

James Burnam and Nathannoell Lord deposed that they saw five grists of two bushels and one-half which wanted double toll, etc. Sworn in court.

Nathanell Lord deposed that he saw one bushel of wheat of his master's weighed when it was carried to the mill and when it was brought home and it wanted nine and one-half pounds. Sworn in court.

John Whipple deposed concerning short weight, etc. Sworn in court.

Freegrace Norton's bill of cost, 1li. 16s.

Thomas Sparke deposed concerning his master sending him to mill with 108 pounds of wheat and when he returned he had but 87 pounds, and Norton said he could not account for the shortage. Sworn in court.

William Goodhue testified that he sent his man, Thomas Sparke, etc. Sworn in court.

Caleb Kimball deposed. Sworn, May 4, 1674, before Daniel Denison.*

John Edwards, aged about forty years, deposed. Sworn in court.

Sergeant Burnam testified that he carried a grist and when he reached home, it was so much smaller than what he carried

* Autograph.

Court having heard the allegations against Elizabeth Hunt and Abigaill Burnam, judged them both culpable of disturbance and disorder in the meeting house, but being under family government, ordered their parents to correct them for offences past and to keep them in better order for the time to come.*

that he took it back, thinking he had exchanged with somebody, etc. Sworn in court.

*Thomas Burnum, sr.,† complained of many great misdemeanors of Elizabeth, wife of Samuell Hunt, and Elizabeth her daughter, in the meeting house in time of public exercise for the past two years, by thrusting his daughter Abigaill on the Lord's days, so that she almost falls quite down in the meeting house.

Grindall Rauson, aged about fifteen years, deposed that he saw Goodwife Hunt leaning over her seat, speaking to her daughter Elizabeth and presently said Elizabeth shoved Abigall Burnam down on her knees so that she could not sit upright on account of Elizabeth's knees being against Elizabeth's chair. This was on the Lord's day in meeting time. Sworn in court.

Samuel Hunt and wife testified that Abigail Bornham pushed their daughter so that she often came home and said she would not go to meeting again, etc.

Nathaniell Lord, aged about twenty years, deposed that he saw Elizabeth Hunt with her back against the end of the seat shoving her own chair against Abigall Burnam's chair, and this had been her practice whenever said Abigall's chair had been without the wainscot. Sworn in court.

Hanah Lovewell, aged eighteen years, deposed. Sworn in court.

John Kindrek deposed that when Abegell Burnam came in she went to her usual place and put her chair down, which then stood clear of the wainscot of Goodwife Hunt's seat, etc. Sworn in court.

Seath Story deposed that when the disturbance was made, Thomas Knolton spoke to them, etc. Sworn in court.

Elizabeth Reddington deposed that when she sat with her dame Hunt in meeting, which was about a year, Abigall Bornham would "hunch and bunch" her with her chair and when she sat at the end where Betty sat, Goodwife Bornham told her that she was a usurper and had no right there.

Thomas Waite, sr., deposed that the two chairs the girls sat in were back to back in the alley as close as they could be set and that Goodwife Hunt thrust her elbow against said Abigal's neck, defacing her linen. Also if Goodwife Hunt had caused her

† Autograph.

Goodwife Hunt was admonished upon her presentment.*

Deacon Goodhue was licensed to sell wine by the gallon and also to sell liquors, as other merchants.

Sarah Longhorne made choice of Daniell Wicom to be her guardian, and he was bound.†

daughter to set her chair as she should, with the back against her mother's seat, this controversy would not have been begun. As it was she had the back of her chair in the cross alley so that only two persons could sit there instead of three and it hindered others from passing to their seats. Sworn in court.

Uzal Wardall deposed as to what he saw when he looked down over his seat, etc. Sworn in court.

Nathanaell Roper, aged about twenty-one years, deposed that one Sabbath he saw Goodwife Hunt stand at the end of her seat in prayer time as if she looked at the minister, and push her daughter's chair against Abigaill Burnam's. He had also seen Elizabeth Hunt look up in the gallery where her father sat and laugh. Sworn in court.

James Burnam, aged about twenty-one years, deposed that his sister Abigall tried to make room for Mr. Smith to pass, etc. Sworn in court.

John Dane, aged sixty years and upward, testified that being at meeting that day he heard Thomas Knoulton call out aloud to the assembly to take notice of Goody Hunt, that she was making a disturbance, etc. Also that Goody Hunt's daughter held her head down and smiled to herself. Sworn in court.

Goodwife Fits, aged about sixty-eight years, deposed. Sworn in court.

Goodwife Saford, aged thirty-five years, deposed. Sworn in court.

Hannah Rubjohn deposed. Sworn in court.

Robert Lord, jr., deposed that it was Elizabeth Hunt's practice to sit in her chair in time of prayer.

Mary Jones deposed that Goodwife Hunt's little girl was kneeling in her chair very quietly when Goodwife Bornham's daughter came into the meeting and took up her chair and thrust it against said Hunt's girl. Deponent "being kneeled downe rose up and spacke to her teling her it ware enough: enough att this time for shame," etc. Sworn, 3 : 2 : 1674, before Wm. Hathorne,‡ assistant.

John Annable deposed. Sworn in court.

†Sarah Longhorn, "who was left yong and of Tender agge," having been under the charge of an executor, petitioned the court for a guardian.

* See foot-note on page 306, marked *.

‡ Autograph.

Samuell Hunt, jr., was admonished for disorder in the meeting house.*

Jonas Gregory was discharged of his presentment.†

Sarah Roe was bound not to abide in the company of John Lee and to appear at the next Ipswich court, unless she be reconciled to her husband and go to him before that time. Joseph Gidding and Nathaniell Rust bound for said Sarah Roe.

In the complaint of Charles Gott against Walter Fairefield about abusing him, the military officer, clerk of the band, said Fairefield was sentenced to pay 5s. to the company and 20s. to the county. ‡

Petition to the court, dated Ipswich, 4 : 3 : 1674, "Constance Crosbie Grandmother to this Orphan Sarah Longhorne understanding that Daniell Wickam is like to be perswaded to accept of Gardianship for her: I thinking that she had need of one that hath more experienc to oversee her and for other Reasons I am very unwilling & doe desire that such a thing may not be proceeded in or Granted till Thomas Longhorne of Cambridg her Uncle knowes & Gives his Consent for he takes more Care of the children than I expected he would have don: not more at psent your poor & humble servant & Handmaide."

*Samuell Rogers deposed that before Samuell Hunt was presented, he asked Grigory if he ever gave Hunt leave to take hay out of his barn before said Gregory and Arthur Abbott found him there, and he said that he never had. Deponent asked why he did not stand to this before the grand jury and he said that he was in such trouble that he did not know what to do. Sworn in court.

John Smith, aged about forty years, and Josiah Clark, aged about twenty-eight years, deposed that they had noticed in time of service on Sabbath days that Samuel Hunt, jr., was very disorderly, laughing, talking, spitting, striking boys with sticks and throwing things into the gallery.

†Presented for lying, by informing the grandjury of Samuel Hunt's stealing his hay, and afterwards saying that he might possibly have given him leave to take it; saying also that Hunt gave him a day's work with his team and boy and a pound of tobacco to forbear his testimony against him, and he would "do well enough wth Knoulton in his action." Wit: Thomas Knoulton, Nathaniell Emerson, Usuall Wardell, Arthur Abbott and his wife, Thomas Mentor, Margret Lambert and Mr. Samuell Rogers.

‡Writ, with summons, dated Apr. 15, 1674, signed by Daniel Denison,§ for the court, and served by Tho. Hobes,§ constable of Wenham.

§ Autograph.

Warrant, dated 3 : 2 : 1674, to Charles Gott, clerk of the trained company of Wenham, "in Case of Refusall to paye to Distraine the Goods of walter fairefild to the value of five shillings Being his fine for non appearanc on the last trayning daye as also five shillings of Henery Haget for the like Defect & Rec. it into yo^r hands for the use of the Companye," signed by Tho. Fiske,* sergeant.

Charles Gott's bill of cost, 1li. 2s. 3d.

Thomas Fiske, sr.,* affirmed, 4 : 3 : 1674, that "last yere John Fiske being Chosen Clarke of o^r Trayned Companie when he the sayd Fiske was Absent; I told him afterwards that the Companie had made Choice of him for theire Clarke & Asked him if he would accept of it he told me he would not where upon the next trayneing daye I informed the Companie of it & desired them to thinke of another Choic some of them obiected & said they would staye whilst they heard him Disexcept it him selfe but I told them we Could not be without a Clarke & if they would not Chouse one I would Appoint one my selfe where upon they made Choice of Charles Gott ||Walter fairefild being present|| & I did then declare him to be o^r Clarke & hee did Cale the Companie the Last traineing daye." Also that the last year "I told the Companie that in Referanc to o^r trayneing it should be a standing order amonst us that in Case the daye Appointed for trayneing were fowle in the morning it should goe for a trayneing daye in Case the wether did proue tolerable by eleuen of the Clock to bring armes into the field & the Companie Consented thereunto not one obiecteing against it."

John Fiske,* sr., affirmed, 5 : 3 : 1674, that he refused to take the office of clerk.

Charles Gott, aged about thirty-six years, deposed that Walter Fairefeilde came to his house and he read the warrant to him and asked him to pay the fine peaceably, but he replied that he would take no notice of it. About a week later, deponent went to his house and read the warrant again, and Fairefeilde replied that he cared nothing for Captain Tom, with many filthy speeches, upon this his wife said "pay the man, why shoulde you trouble him," and Walter replied, "hould youre pease, I know my way & will not haue it Chocked out to me." Deponent went to the table and distrained two pewter vessels and started to go away with them, but Walter wrested them away from him and did not offer anything in the place of them. The next day deponent took Thomas Fiske, jr., with him and again demanded the goods; still Walter refused, and deponent said he would take corn. Walter said, "how will you come by it & I Answered I will goe Into youre Chamber & take it then Walter went & stood upon the stares & saide you shall not: Come upon youre perill & shooved me with violans severall times & tooke A greate Club in

* Autograph.

In the complaint of Daniell Killam against Walter Fairefield for abusing him, the latter was ordered to pay 6s. 8d. to the county and 20s. to said Killam.*

his hand & vowed if I Came theare he would knock me down: & bid mee gitt me out of dore or he would send me out & sett his hand Against my throte & with violance shooued me all moste out of the dore but I held me by the dore postes & walter saide Charles theare are boords by the barne & held one hand on my shoulder and the other hand Against my throte & saide Looke out here Charles wher as my fase was into the house & my hands holding still on the postes of the dore." Walter tried to turn his head around, over his shoulder, and called his servants to bear witness. Thomas Fiske, jr., testified to the same. Sworn in court.

John Fiske, aged about nineteen years, and John Gilbert, aged about seventeen years, deposed as to what Walter Fairefeld told about the trouble. He said that he thought Gott was not in earnest at first and took a flagon and a pewter dish, placed them on the cubbard's head, and said if Gott would go to the mill with him he would have pay enough, but "the sneakeing Rascal went away." He said he supposed Gott would come the next day and bring Capt. Tom with him, with the intention of having corn, "but if they haue it they shall haue Cold Iron first if I could help them to it." Sworn in court.

John Waldren, aged about twenty-two years, deposed that Charls Gott warned him the Thursday that Walter Fayerfield was absent from trayning as follows: "I com to warne you to trayn next Thirsday you must be in the field with your arms compleat by eight of the cloke in the morning for it is a day that we must shew arms," but he said if it be fowl weather, then the next fair day. Deponent said that the morning was foggy, with showers, and at eight o'clock it came up thick and black as if it were to be a rainy day. At nine deponent started and there was a great shower and when he reached the field at ten o'clock, there were but few of the company there, "the drum" coming about an hour after.

William Fiske† and John Abbe, jr.,† testified.

Nathaniell Browne, aged twenty-two years, and Tameson Walden, aged about sixteen years, deposed that on Apr. 14, during the controversy Gott said to Fayerfeld, "you are to hy, you must be brought down." Sworn in court.

John Bisson, aged about seventeen years, and Tameson Walden, aged about sixteen years, deposed that Fayerfield showed Gott seventeen boards, many of them twenty feet long, but Gott would not look at them, etc. Sworn in court.

*John Gillburd, John Killam and Benjamin Kimball deposed

†Autograph.

In Walter Fairefield's complaint against Daniell Killam for breach of the Sabbath, court found no proof.*

John Downing's wife was admonished upon her presentment.†

In answer to John Lee's petition, court respitted 5li., provided that he keep away from Sarah Roe.

John Knowlton was admonished upon his presentment.‡

that Daniell Killam came with his sled for a load of wood when Walter Faierfeld said "Killam stand of I sware you shall haue no wood here the saied daniell said I will and had tied up too sticks and was tacking up another and faierfeld came to him and pushed him downe backward and sett upon him with boath his hands upon his throat and punching him on the breast with his knees," etc. Deponents pulled him off and when Killam got up, his mouth was full of blood and he spit blood. Faierfeld said, "Killam wher would you haue ben befor this time if you had not had help her you would haue ben as whist as a lamb before this time." Sworn, Jan. 1, 1672, before Daniel Denison.§

John Gilbert deposed.

Tripheanie (her mark) Geare, aged about seventy-two years, deposed that she living in the house with Daniell Killam last winter, noticed the abuse he received from Faierfeld. His throat was swollen about his windpipe about the bigness of a child's fist of three or four years of age and the skin scratched off. There was an impression on one side of his breast as if one of his ribs were cracked and buckled in, if not broken, and he raised blood for some time after, continuing ill about a month. He was unable to do any hard labor and constantly complained when he ate that his meat would not go down.

John Gilbert deposed. Sworn in court.

Bill of cost of Daniell Kelem, jr., 17s. 9d.

*Summons, dated Apr. 30, 1674, to Daniell Killam, jr., upon complaint of Walter Fairefield about breach of the Sabbath by driving swine into a corn field, signed by Robert Lord, § cleric.

†Presented for neglecting their children some days and nights, often leaving them alone. He was presented for excessive drinking and for his threatening of his co-inhabitant to burn the house. Wit: Joseph Giddings and Sarah Burnam.

‡Jon. Smith, sr., deposed that he had noticed that Will. Whit-tred, John Peires and Jon. Knoulton were often very disorderly at meeting in the time of public worship "by prating together," sometimes laughing, spitting in one another's faces, pricking one another's legs, "justing" boys off there seats, heaving things into the other gallery among the girls who sat there and breaking the glass windows. Sworn in court.

§ Autograph.

Wm. Whitred was admonished upon his presentment.*

Richard Holmes confessed that he struck his wife four or five blows with a stick, and was fined 4 nobles.†

Thomas Hobbs complaining against John Lampson and not prosecuting, the latter was allowed costs.

Rachell Clenton, presented for not living with her husband, complained that he did not provide for her. Court ordered that Larance Clenton should every week, or at least once a fortnight, bring to his wife 2s. per week, for neglect of which he was to be sent to the house of correction.

Alexander Allhart was released from training and watching.

Renold Foster, sr., was released from training, without pay.

Whereas Mr. Wm. Hubbard has disbursed 8li. for his servant Peeter Laycrose, in satisfaction of the court sentence for thefts, court ordered that he serve said Hubbud two years after his time is out.‡

Court having ordered John Polin, with some others, to take care and provide for Edmund Patch and Eunice Patch, his daughter-in-law, and by an order sequestered the lands of Edmond Patch and Abraham Patch that they may be liable for such relief, said Polin having paid three or four pounds for said Eunice's lying in, and Eunice having made a writing to convey a parcel of land to said Polin for security, court appointed Mr. Richard Hubbard, Richard Walker and John Dane, jr., to appraise the land. They were to give their judgment whether the selling of a portion of the land in this way would be a damage to the whole parcel.

Ephrim Fellows, aged about thirty-three years, deposed that he often saw John Pearce playing at meeting in the time of exercise, sometimes spitting on other boys' hats and clothes, taking boys' hats and casting them down and kicking boys with his feet. Sworn in court.

Josiah Clarck was a witness to the presentment.

†Richard Homs acknowledged that about Apr. 18, "I Being about to corak won of my children my wife indefring to take it away and som words she gafe me that stord up my anger and I gafe her saferall Blows about 4 or 5 Blows nathannil harris Being an ey witnase doth tastyfi that this the is hole truth a Bofe wrighting."

‡Peetter Croy was presented for not observing the sentence of court in wearing a rope around his neck.

* See foot-note on page 311, marked ‡.

The treasurer, Mr. Robert Paine presented his account to the court, the court's credit being 864li. 13s. 6d. and the debts, 759li. 10s. 7d., so that when the old fines are gathered, there are due to the county, 105li. 2s. 11d. Given to the house, 10s.

Inventory of the estate of John Newman, sr., taken Dec. 30, 1673, by Robert Pearce and Fra. Jordan, and allowed, Mar. 31, 1674, upon oath of Alice Newman, the widow, the homestead, wearing apparel, corslet, etc., amounting to 91li. 6s. [Original on file in the Registry of Probate.]

Inventory of the estate of Robert Wallis, deceased, taken Mar. 17, 1673-4; half a house, domestic animals, a debt to Goodman Graves, etc., amounting to 95li. 19s. Nicolas Wallis and Simon Stace agreed on Apr. 2, 1674, concerning the estate of their father Robert Wallis, that said Nicolas would take the whole care of providing for his mother, Simon to be free from paying anything toward her maintenance, and that Nicolas should have the whole estate, paying 20li. to the aforesaid Simon, as follows, in six acres of meadow at 8li., and 12li. in a horse and mare and neat cattle to be appraised by two indifferent men. Allowed, Mar. 31, 1674, in Ipswich court. [Original on file in the Registry of Probate.]

Inventory of the estate of Edward Sawyer, appraised by John Pickard, Ezekiel Northend and Samuell Brocklebanke, Mar. 27, 1674, and allowed upon oath of John Sawyer, his son, apples, tan pit, leather, tanhouse, hides, Carlton's marsh, house, etc., 223li. 8s. [Original on file in the Registry of Probate.]

Thomas Tenny and Ezekiell Northend deposed that being with Edward Sawyer not long before his decease, they heard him say that his estate should be equally divided between his two sons John and Ezekiell Sawyer, but that John, his eldest son, should have 20li. more than Ezekiell; and for the maintenance of his wife, that she should be maintained out of the estate by them both, and if they did not maintain her comfortably, that she should have liberty to sell land. Sworn in court. [Original on file in the Registry of Probate.]

Administration upon the estate of Edmond Marshall was granted to his son-in-law James Coleman, who brought in an inventory amounting to 23li. 19s., which was allowed. Benjamyn Marshall deposed that he was present when his father was upon his death bed, and his father gave the estate to the

disposing of James Colman, "only one cow he gave my brother Edmond & mysele, and I am contented it should be soe." [Original on file in the Registry of Probate.]

Will of Richard Clarke, dated Feb. 7, 1673, mentions son John and daughter Hester Hobkinson, and was proved, Mar. 31, 1674 in Ipswich court, upon oath of the witnesses, Samuell Brocklebanke, Maxemillian Jewett and Richard Swan. [Original on file in the Registry of Probate.]

Inventory of the estate of Richard Clarke, appraised Feb. 22, 1673, by Maxemilian Jewet and Samuell Brocklebanke, amounting to 43li. 3s. 8d., and allowed upon oath of John Clarke, executor, Mar. 31, 1674, in Ipswich court. [Original on file in the Registry of Probate.]

Will of Thomas Hart of Ipswich, dated Feb. 12, 1673, mentions sons Thomas and Samuel, grandson Thomas Hart, daughters Sarah Norton and Mary Hart, and proved by the witnesses, John Denison, sr., and John Brewer, sr., on Mar. 31, 1674, in Ipswich court. [Original on file in the Registry of Probate.]

Samuell Guile, aged about twenty-four years, deposed that one day he met with Danill Sumerby and told him that his brother's master had lost money and had charged his brother with stealing it. Danill replied that he wondered at that and did not believe that John Guile had taken it. Then deponent told Danill that some thought that he had the money, for he was seen in the house on that Monday, but Danill said it was a lie. Danill owned that he had a half crown in money on Monday and that he paid one shilling, six pence to Goodwife Chanler and a shilling to John March, and that he borrowed it of a boy. Deponent asked him how the boy came by it and he replied that there was a wedding and he had three shillings given him, and he borrowed two shillings of him.

John Guile, aged about twenty years, deposed that he heard Sumerby say the Saturday before the money was stolen that he wanted money to pay a bill and offered his knife for a shilling which nobody bought, but Goodwife Chanler's maid said he afterwards paid her mistress 18d. in money. Sworn in court.

John March, aged about sixteen years, deposed that Danill Sumerby was at his father's house the week that John Hall lost his money and Danill gave deponent a shilling for a pint of wine. He asked him to get him a quart more and he would give him two shillings, but deponent told him that he knew his father would not let him have it. Sworn in court.

Inventory of the estate of Thomas Hart of Ipswich, appraised Mar. 21, 1673-4, the homestead, a tan yard, furniture, etc., amounting to 729li. 13s. 6d. He owed John Whipple, sr., John Denison, sr., and Jo. Brewer, sr. Allowed, Mar. 31, 1674, in Ipswich court. [Original on file in the Registry of Probate.]

Samuell Younglove, jr., testified that he had observed Thomas Knowlton ever since he came to this side of the river to be a quarrelling, lying fellow, full of all baudy discourse as well before children as others. He "set neighbours together by the ears for as I am tould he went to daniell Hovey and tould him that I hired him and was to give him five shillings in money to tell Daniell Hovey that I said he was a base Lying fellow as any was in the towne which is uterly false," and also that he "takes great delight in nicknaming of seuerall persons as deacon Goodhew and goodman ayers and goodman hunt and goodman sawyer and goodman howard and father younglove and goodman woodward and goodman Rust and nathaniell browne and myselfe." He also went to Obadiah Bridges and told Robert Simons that deponent said his master kept a base fellow who had knocked a shoat on the head for him, when he never said it.

Goodwife Story, sr., testified that Mary Fowler told her what Knowlton said about his relations with Goody Rust and Goody Willson.

Mary Tallbut deposed concerning what Knowlton told about John Potter's relations with Goody Browne. The latter had one son.

Mary Tallbut, aged about nineteen years, deposed that she lived at Daniell Hovey's, etc., and that when Knowlton told his story to Goody Hovey, she said, "Goodman Knowlton you are the deuills packhorse." She said that Joseph Jacob heard the story and Sergeant Burnum told him to come there with it.

Sarah, wife of Samuell Younglove, deposed that when Mary Fowler nursed her, etc.

Samuel and Elizabeth Hunt deposed that they heard Goodwife Bornham say that Knowlton was a lying fellow, and she was ashamed to hear him talk, etc. Also that Goodwife Rust said her sister Rachell and Seu Ringe were afraid of him while he lived with her, and she could never persuade them to go to his shop even to get a shoe mended. They also testified as to what Knowlton said concerning Sam Tailer, when the two men were reaping for Sergeant Perkins.

Presentments, dated Ipswich, Mar. 31, 1674, signed by Moses Pengry,* in the name of the rest:

The wife of John Leeds, in not repairing to her husband though she had been warned often.

* Autograph.

COURT HELD AT SALEM, 30 : 4 : 1674.

Judges: Samuëll. Symonds, Esq., Dept. Gov., Maj. Generall Daniell Denison and Major William Hathorne.

Jury of trials: Mr. Jno. Hathorne, John Putnam, George Keaser, John Norman, Mannasser Mastone, John Williams, Nathaniell Beadle, Thomas Fisk, William Dodge, sr., William Seargeant, Mr. Edw. Needham and Mr. Daniell King.

Grand jury: Mr. John Ruck, Tho. Fuller, sr., Samuëll Ebborne, sr., Frances Skerry, John Ingersoll, Edw. Flint, Tho. Bishop, Tho. Patch, William Greegges, Robert Hibbert, Mr. Thaddeus Ridden, Richard More, John Pearson, Andrew Mansfeild and Thomas Farrer.

Court declared that all bills of cost should be allowed in money.

Joseph Armitage, assignee and attorney of Saml. Benet v. Capt. Tho. Savage. Debt. The action was to proceed when plaintiff paid for the entry.*

Richard Dole's negro called Grace, for fornication, being with child. Wit: Richard Dole and his wife.

Thomas Denis, for feloniously taking away nails out of a bark. Owned before Major General Denison.

John Pearse, William Whitred and John Knowlton, jr., for disturbance in the meeting house in time of exercise, by playing. Wit: John Smith, sr., Ephraiem Felows and Philemone Dane.

*Writ: Joseph Armitag, assignee and attorney of Samuëll Benitt v. Thomas Savag; debt of about 70li., per judgment of court, which debt with many others of the workmen's, said Savage promised to pay in the special court at Boston, wherein he obtained judgment against the Iron works in Line; dated June 22, 1674; signed by John Fuller,† for the court; and served by William Crofts,† constable of Linn, by attachment of defendant's interest in the Iron works.

Thomas Savage's bill of cost, 14s. Thomas Savage† asked the favor of the court in the law relating to vexatious suits, which is treble damage.

Joseph Armitage petitioned the Governor, Deputy Governor and Magistrates that "wheras yo^r Honors poore petission^r, is by gods great blessing now in his latter days, and not able to undertake any laborious worke, nor hath bin for seuerall years, and hath but litle estate as he can comand," he desired to be allowed to enter a cause or causes at the next Salem court, etc. John Leverett,† Governor, and Samuel Symonds,† Deputy Governor, on 18 : 4 : 1674, ordered that respite of his entry money

† Autograph.

Joseph Armitage v. Richard Hood. Withdrawn.*

for three months be granted said Armitage. "24 : 4 mo. Mr. Verrin let Joseph Armitage haue the first Entry he comeing first to you. Wm. Hathorne."

*Writ: Joseph Armitage v. Richard Hood; for living upon and improving his land at Windmill hill, and not paying him rent; dated June 24, 1674; signed by John Fuller,† for the court; and served by William Crofts,† constable of Lynn, by attachment of house and land of defendant.

Richard Hood's bill of cost, John Joyliffes' attendance, etc., 12s.

Copy of Salem court records of 26 : 9 : 1661, 25 : 4 : 1661 and 26 : 9 : 1672, in relation to the ownership of the land, etc., made by Hilliard Veren,† cleric.

Edward Richards of Lin, aged about sixty years, deposed that about twenty years since by virtue of a judgment granted against Mr. Addam Otley, Joseph Armitage seized by execution a herd of cattle, between twenty and thirty, belonging to the estate of John Humphreys, Esq. Sworn in court.

William Crafts, aged above sixty years, deposed that he saw several cattle of Mr. John Humphreys, upon the town common of Lin, on a Sabbath day, etc. Sworn in court.

Copy of will of Joseph Humfry of Linn, gentleman, dated July 3, 1663, "being bound on a Voiadge for England & vnderstanding in part the danger of the Seas: Item doe give my grant of three hundred Acres of land granted to me by the last generall Court if I dye before I come to New England vnto m^r Antipas Boys, for the vse of his son Antipas junio^r Item. I give to m^r Richard Price his sonne Thomas Price & to m^{rs} Elizabeth Pelham all my Right & Title of my Farme at Lynn, where Francis Ingolls now lives equally to bee devided betweene them, excepting Ten pounds that I give to m^r Samuell Whiting senio^r & Pastor of the Church of Christe at Lynn: And for true performance hereof I doe appointe my trusty & welbeloved Freinde m^r Richard Price to be my Executor." Wit: Thomas Kellond and John Wensley, in the presence of John Leverett, Esqr., Dep. Gov., and Edward Ting, Esq., assistant. Sworn, Oct. 23, 1672, by the witnesses, before Isaac Addington, cleric. Copy made by Isaac Addington.†

David Anderson, aged about twenty-nine years, deposed that about three years since, he being then in Lisborne, Mr. Joseph Humphry, formerly of this country, was killed, and deponent helped inter the body of said Humphrey. Sworn, Oct. 5, 1672, before Edw. Ting, assistant. Copy made by Isaac Addington,† cleric.

†Autograph.

Joseph Armitage v. Henry Roads. Review of a judgment at Ipswich court. Withdrawn, and defendant allowed costs.*

Hester Eastwick, administratrix to Benjamin Fermaiz v. Frances Collens. Verdict for defendant.

Mrs. Gennett Whiple, widow v. Left. Rich. Waye, Marshal Richard Waite and Bozoone Allen. Withdrawn.†

Samll. Hunt v. Left. Samll. Appleton. For detaining a horse. Verdict for plaintiff, 5li. damage or the horse delivered.‡

*Writ, dated June 25, 1674, signed by John Fuller,§ for the court; and served by William Crofts,§ constable of Lynn.

Writ: Joseph Armitag v. Henery Reed; trespass, for fencing his land; dated June 25, 1674; signed by John Fuller,§ for the court; and served by William Crofts,§ constable of Lynn.

†Bill of cost, 2li. 6s. 10d.

‡Writ: Samuell Hunt v. Left. Samuell Appleton; for detaining a dark bay horse from him; dated June 25, 1674; signed by Robert Lord,§ for the court; and served by Simon Stace,§ constable of Ipswich.

Samuell Hunt's bill of cost, 2li. 8s. 3d.

Abigaile Burnam, aged about nineteen years, deposed that Hunt said that it was not their horse that was taken up, for their horse had the hair of his tail cut and a white foot, etc. Sworn, June 27, 1674, before Daniel Denison.§

Josiah Burnam, aged about fourteen years, deposed. Sworn, June 27, 1674, before Daniel Denison.§

John Saferd and his wife, Ann, deposed. Sworn, June 27, 1674, before Daniel Denison.§

Anthony Potter and Danil Potter, his son, aged fifteen years, deposed that the last Indian harvest young Sam Hunt came to their house to husk corn one night and young Sam. Appleton was there also. Appleton said that his horse was not three years old, etc. Sworn, June 25, 1674, before Samuel Symonds, Dep. Gov.§

James Fuller deposed that after Appleton had taken the colt out of Goodman Hunt's custody, carried it home to Labor-in-vain field, and Hunt had found him again, deponent met young Sam. Appleton at the mill, etc. Sworn, June 27, 1674, before Daniel Denison.§

Thomas Jacob testified that the jade John Browne desired Samuel Hunt to inquire after was a blackish mare, etc. Sworn, June 27, 1674, before Daniel Denison.§

Samuell Appleton, jr., aged about nineteen years, deposed that the reason his horse was not branded was because this horse leaped over the fence when his father was branding two years

§ Autograph.

ago, and he was in haste and could not wait to find him, etc. Sworn, June 29, 1674, before Daniel Denison.*

Jno. Knoulton, aged about twenty-nine years, deposed that Samll. Hunt, sr., told him that he had agreed with Mat. Perry for 10s. to find his horse, etc. Sworn, June 26, 1674, before Daniel Denison.*

Will. Knolton, aged about thirty-one years, deposed that one day after lecture at the meeting house, Samll. Hunt, sr., told him that the horse he had lost was one he had of Daniell Hovey, etc. Sworn, June 26, 1674, before Daniel Denison.*

Samuell Appleton, aged about nineteen years, deposed that he was driving the horse in controversy when Goodman Hunt challenged him, etc. Sworn, June 29, 1674, before Daniel Denison.*

Nathaniell Browne deposed. Sworn, June 27, 1674, before Daniel Denison.*

Samuell Hunt, jr., testified that after young Saml. Appleton took away the horse from Doctor Davis and had kept him a fortnight, he came to Hunt's house, deponent's father not being at home. He met him in the cow house and with deponent's mother fell into discourse about the horse. Appleton said he would not let anyone look into the horse's mouth to tell the age, and before he would let Hunt have him, he would take an ax and knock out his brains. Elizabeth Hunt affirmed the same. Sworn, June 25, 1674, before Daniel Denison.*

John Chote, aged forty years and upward, testified that he thought the horse came of Daniel Hovi's breed because he bought one of the same breed. Deponent came to Hunt's on Sabbath days, etc. Sworn, June 25, 1674, before Samuel Symonds,* Dep. Gov.

Daniel Hovey deposed. Sworn, June 27, 1674, before Daniel Denison.*

James Fuller, aged twenty-five years, deposed that he met Hunt and Appleton near Goodman Hawordes and looking into the horse's mouth, he saw the bridle tusks, which deponent had been told by horsemen showed the horse to be nearly four years old, etc. Sworn, June 27, 1674, before Daniel Denison.*

John Line deposed. Sworn, June 27, 1674, before Daniel Denison.*

John Dane, sr., deposed as to marks on the colt. Sworn, June 27, 1674, before Daniel Denison.*

Mathew Pery deposed. Sworn, June 25, 1674, before Samuel Symonds, Dep. Govr.*

Jeams Burnam, aged about twenty-two years, deposed. Sworn June 27, 1674, before Daniel Denison.*

Daniell Wikam deposed that Goodman Hunt came to him the first Monday in March last and entreated him to plead a

* Autograph.

case for him, saying that his antagonist was a great man, Lt., Appleton. Deponent prayed him to go to Goodman Pickard and get him to do it. "he tould me that he had beene with him, and he sent him to me, by the same token that you gave him a nonsute at Ipswich the other day, he tould me that goodman Pickard had noe mynd to meddle with it, he should give offence to m^r Phillips, I tould him m^r Phillips was as neare me as goodman Pickard, And that Mr. Appleton and I had beene very good freinds many yeares, I was very loath to displease him, the sayd Hunt asked me how he should come by the horse that liftenant Appleton had taken from him. I tould him I knew no better way then to Replevy him, he tould me the Horse would not stay long at Leftennant Appletons, for he would not keepe from the horses he kept company with from a colt & commended the horse exceedingly, & he tould me that he could have a good cow for him, & that he could prove him suficiently to be his horse, and tould me the maior commended him very much I tould him if the horse came to his hands againe he would avouch him to be his I would buy him of him if he would sell him a reasonable peniworth if I liked him, only I would keepe a month upon tryall and we agreed to meet att m^r wainwrights the thursday following to see if we could make a bargaine, that being a publike place; That soe Liftenant Appleton might haue notice of it, and Replevy him if he pleased, & the said Hunt answered me, and the said Hunt intreated me if he sent a horse to my house that I would keepe him for him, and he would content me for it, and the night following I was a broad very late, about midnight I went into my barne to looke at my sheepe it being lambeing time, there was no horse in my barne then that I saw, but the next morneing before sun rise I went into my barne againe to looke to my cattle, and there was a horse just within the barne dore eating as though he had beene put in but a little before, about three or foure houres after, goodman Hunt came to me and sayd he was goeing to Rowley mill, and prayed me to lend him my horse for his mare was very poore, I tould him I could not for my horse was poorer but there is a horse in my barne, that came I know not how, you may take him if you please for anything that I have to doe with him and Hunt sayd to me how doe you like that horse, I saide unto him he is a very asse in comparison of a horse, is this the horse you told me off, that m^r Appleton had taken from you and Hunt sayd yea, I pray you keepe him for me a while and I will content you for it, I asked him how he came by the horse, but he tould me not how he came by him, but he sayd the first time that he saw him, was in my owne yard when I rose, and he was neighing after the horses he used to keepe company with," etc. Sworn, Mar. 31, 1674, in Ipswich court. Copy made by Robert Lord,* cleric.

* Autograph.

John Line, aged about twenty-four years, deposed that he lived with Lieut. Appleton and Hunt tried to get him to take the horse away from his master and deliver him to him. He asked deponent to his house and said he had been to Rowley and consulted as to the best way to get the animal and would give deponent or anyone else 10s. to find him. Hunt also told him to borrow the horse, ride him to town and he would be in the way at Goodman Sawyer's and take him. Deponent refused to do all these things, but at length Hunt persuaded him to pull the pin out of the stable door and let the horse out. He did so, and Hunt's son Samuella caught him in Lieut. Appleton's yard, etc. Sworn, Mar. 31, 1674, in Ipswich court. Copy made by Robert Lord,* cleric.

Samuel Hunt, jr., and William Backer deposed. Sworn, June 25, 1674, before Daniel Denison.*

Tho. Boreman, aged twenty-four years, deposed. Sworn, June 29, 1674, before Samuella Symonds,* Dep. Govr.

Daniell Hovey deposed. Sworn, June 24, 1674, before Daniell Denison, and copy made by Hilliard Veren,* cleric.

Nathaniel Brown, aged twenty-two years, deposed that he went to Hunt's to borrow a pair of sheep shears, but he not being at home, deponent went toward William Hawood's house, where he found Hunt and Danill Hovie, with James Fuller "scorsing colts," etc. Sworn in court.

Thomas Knowlton, aged thirty-one years, testified that Hunt inquired of his brother Joseph Knowlton, etc. Sworn in court.

Thomas Fuller, aged seventeen years, deposed that he saw Sam. Appleton and Christopher Bowles turn the horse out, etc. Sworn, June 27, 1674, before Daniel Denison.*

Nicholas Marble, aged about fifty years, deposed. Sworn, June 26, 1674, before Daniel Denison.*

Samuella Appleton, sr., deposed that the horse was his and was never absent from the mare, except "at Topsfield being taken in a mans field of corne there seuerall times, the owner of y^e Corne Goodm. Cumins coming to make a Complain that the horse had done him much damage." After that the horse was fettered, that is, from wheat harvest to Indian harvest, and later strayed into the common, etc.

Nathanil Browne, aged twenty-three years, and James Fuller, aged twenty-five years, deposed that John Browne, jr., etc. Sworn in court.

Philemon Dane, aged about twenty-seven years, deposed. Sworn, June 27, 1674, before Daniel Denison.*

Anthony Potter and Isaiah Wood deposed concerning the horse that Appleton's son took from Thomas Borman's. Sworn, Mar. 31, 1674, in Ipswich court, and copy made by Robert Lord,* cleric.

* Autograph.

Robert Sanford v. Nathaniell Putnam. Trespass. Verdict for defendant. Appealed to the next Court of Assistants. Robt. Sanford and Capt. Hutchinson bound.*

John Browne, jr., deposed. Sworn, June 25, 1674, before Samuëll Symonds, Dep. Govr.†

Caleb Kimball, deposed. Sworn, June 29, 1674, before Daniel Denison.†

*Writ: Robert Sanford of Boston v. Nathaniell Putnam; trespass; for cutting down wood and timber and fencing in a considerable parcel of land belonging to the farm that was formerly Townsend Bishop's and now belongs by right to plaintiff; dated 24 : 4 : 1674; signed by Hilliard Veren,† for the court; and served by Henery Skerry,† marshal of Salem.

Copy from the town book of Salem, 11 : 11 : 1635, made by Jno. Corwin,† in the name of the selectmen: "Granted by the Freeman of Salem to M^r Townsen Bishop of the Same his Heirs & Assignes foreuer one Fearme Containing Three hundreth Acres, Butting uppon M^r Endicots farme on the East & fouer hundreth Poles in length & Six Score poles in breadth, y^e is to say Six Score & foure at y^e west end and one hundreth & Sixteene at the East end, bounded by the water betweene y^e fearme of the Executo^rs of m^r Skelton and him at the North East Corner of his farme, and hath there allowed from m^r Endicots farme, eight acres for an highway bounded again at y^e South west Corner by the Brooke, Prouided always that in case of Sale the Town of Salem to haue y^e first proffer of that before any other."

Joseph Houlten deposed that the pine or hemlock tree at the sawmill at Crane river has been the bound of the lands of Mr. Townseng Bushep for nearly thirty years, and deponent being sometime with Mr. Allen and Mr. Fisher of Dadom, the line was run and they found that the marked trees agreed with the records and the marked tree on the northeast corner and the southwest corner stand upon the same brook. Further standing at the hemlock tree, Mr. Allen agreed to the bounds with Nathaniell Putman, and there was a middle tree marked as a bound by consent of Mr. Allen and the rest of the proprietors there, which tree is standing by the pathside near Mr. Allen's house. Sworn in court.

Nathaniell Robinson, aged about fifty years, deposed that he being at Salem and living with Mr. Townsend Bishop in 1636, and several years after, "in which tyme we liued at a farme about three myles from Salem, and at that tyme when first it was settled, and then he knew none bordring one sayd farme, but the Honoured Late Gouverner m^r: Endicott and m^{rs} Skelton, and during his tyme which was eight yeare in the farme

† Autograph.

and y^e farmes thereabout he neuer heard or understood in the Least that this m^r: Nath: Putman who as it is now sayd lay clayme to it, or any other had any intrest, except sayd Bishop, one this side of the brooke or Riuer, as ioyning to sayd brook or Riuer which goes from the head of the meadow belonging to y^e sayd farme, to the salt water which ptes the Honoured Late Gouener m^r: Endicott his Land, and the Land of m^{rs} Skeltons." Sworn, June 27, 1674, before Tho. Clarke,* assistant.

Mrs. Elisebeth Endecott, aged about sixty years, deposed that "as to what ground in Sallem that my husband bought of Mr. Chickeren that afterwards dwelt at dedham that the bounds of that Land between farmer porter and it was the watter that is so high as farmer porters Land went. and Likewis Nathaniell putman the bounds between him and my husbands Land it also was the watter and this my husband and I did poses till after my husband came to dwell at Boston without Mollestation or any disturbanc: or claim Laid to it that I know of after which time Nathaniel putman or putnam did fence in some small part of that ground which was on our side of the brook and did fell trees on the same ground which was A great offence to us and born witnes Against by my husband and by my son John Endecott, which Land was by my husband giuen to my son John Endecott which is now decessed." Sworn, Apr. 13, 1674, before Edward Hutchinson,* commissioner in Boston.

Deed, dated Dec. 4, 1651, given by Richard (his mark) Hutchinson of Salem, yeoman, with the consent of Alce Huchinson, for 7li. 10s., to Nathanaell Puttnam "of the same towne and p^rish halfe that farme that was formarly m^r Stilemans Consisting of 75 acras of vpland be it more or les and 4 acars of meadow scituate Lyeinge and beinge as is hereafter expressed viz the vpland boundeinge on the south of the land that was formarly m^r Towne-send Bishoppes vpon the west Bounded vpon the other pt that was formarly m^r Stilemans farme vpon the north Bounded vpon the Land that was formarly m^r Thornedickes allsoe 4 acars of meadow one acar and a halfe lyeinge or buttinge on the Land that was m^r Thornedicks and 2 acars and a halfe adioyninge to the vpland of the same ground that was formarly m^r Stilemans the vpp Ende of the meadow adioyninge to the other parte of the meadow bounded to agrate tree on the vpland and to A tuft of flages on the other Ende that stands by the brooke side And I doe by these p^rsents Resigne and deliuar vnto the saide Nathanaell Puttnam all the vpland and meadow aboue specified as his one ppar Right || for euer||." Wit: Robert Brett* and Jeff-erie Massey.* Acknowledged, 10 : 10 : 1651, before Jo. Endecott, Govr.* "The word (f^reu^r) was interlined before the ensealing & deliuey heerof. Jo. Endecott, Govr.*"

John Porter, sr., and Thomas Putman deposed that they were

* Autograph.

appointed by the town to lay out some highways at the Farms, and "they Com to Ingesels brouk & began neare a marked tree that that standes by nathanel Putmans fenc on the north sid the brouk & laid out a way as neare as they Could betwixt the farmes Mr. Endecotes on the south: & hedloks & Jose[p]h hol-tones on the north." Sworn in court.

Jno. Weston, aged about fifty years, deposed that he worked with Nathaniel Puttman three years at certain times before the year 1652, during which time he helped to fence part of the land now in controversy. He also testified that "the hye way of Ipswitch Road did formerly Run Ouer y^e Creek nere y^e Land that is now In y^e possession of Benjamin Scarlett." Sworn, 30 : 4 : 1674, before Wm. Hathorne,* assistant.

Nathaniell Ingarrison, aged about forty-one years, deposed that the hemlock tree had been the reputed bounds of the Tounsen Bishop farm, "which tree standeth at Crane Reuer by the sawe mill ner the land of the Exsecutors of m^r Scelton: Also I doe further testifie that I was at the Runninge of a line with m^r Allin & the Rest of the propariators adgoineinge to the north side of his farm," etc. Also that Nathaniell Putnam had fenced part of the land in controversy before 1652. Sworn in court.

Joseph Huchinson testified that he was with the layers out of Mr. Aline's farm, etc. Sworn in court.

Jonnathan Walcutt, aged thirty-five years, deposed that the fence "that was to y^e s^d Putmans Cornfeild was short of the Brooke on that side that the s^d putmans Land Lyeth on but there was a small hedge fence at y^e eastern end of the s^d putmans Land y^t went up Along the Brooke some part of the way upon the southward side of the s^d putmans Corn feild fence & In some places went ouer that side of the Brooke & this deponent testifieth that hee hath sene the sd putmans sons cut up both brush & wood In the Inside of the Last fence & brush In the outside & this wood & Brush was cutt since It was in the posesion of m^r James Allen." Sworn in court.

Benjemin Scharlett, aged about forty-nine years, deposed "that he living with m^r Endecott did observe that when Nathaniell Pittman did First sett up his Fence on that End of his Land Next my m^r his Lands the saide Putman did sett it short of the Brooke on that side of the Brooke his own Land Lay. And after this sometime did Remove it to the Brooke, And Further saith that Capt. Trask about one yeare before his death told him that the Brooke was the Bounds Betweene this Land now in Controversie and m^r Skeltons Farme." Sworn in court.

Zerabbabel Endecot, aged about thirty-nine years, deposed "that the land wch my father bought of Goodman chickering, he had the brooke for his bounds as farr as m^r skeltons land did runn & then to my best remembrance it runn vpon a streight

* Autograph.

John Godfery v. Edward Cleark. Unjust molestation. Verdict for plaintiff.*

line to the vpper Corner bounds and this possest by my father wthout molestation of any man while he removed to Boston, but after that my father was remooved to Boston, Nathaniel Putman or some by his order did fall or carry away timber of the said land, which is now in Controuersy. Sworn in court. Copy made from the files of the Court of Assistants by Edw. Rawson,† secretary.

Roger Connant† certified, 29 : 4 : 1674, that "being desired by nathaniell Putman to speak what I knew or remembred about the bounds of M^r Bishops farm, lying in the bounds of Salem, (I being on of them w^h laid it out,) whither or no it had either fower or fiue sides or ranges in the limits therof. I doe hereby testifie, that to my utmost remembrance it had but fower sides according to our generall custome, neither can I conceiue any reason or remember any necessity that that should moue us to doe otherwise, for there then was roome enough. it was done many yeers past and therefore hard to remember all circumstances."

John Ingorson, aged about fifty years, deposed that he "liueing vpon y^e farme y^t sometimes was Townsend Bushups being rented by my father of m^r Chickering I liueing 4 or 5 years w^h my father vpon y^e s^d farme did alwaise vnderstand y^e bounds of y^e said farme to run from a hemlock tree at y^e lower Corner of y^e farme vp y^e brooke w^h we counted y^e bounds of y^e farme & so possessed & enioyed by my father as y^e bounds vntil it come now to y^e place where now y^e foote bridge is & then to runne ouer y^e brooke & so to runne by a stright line to y^e outside of y^e orchard in w^h land below y^e orchard I my selfe haue mowed grasse for my father on y^t side y^e brooke wthout interruption for 4 or 5 years together to y^e quantity of about a load." Sworn in court.

Christopher Waller, aged about fifty-four years, deposed that about sixteen or eighteen years since, he worked with Nathaniel Putnam in his field near Bishop's farm, etc. At the lower end next Mr. Skelton's, he had a little calf pasture, going toward the brook from the corner of the field, etc. Sworn in court.

Zerobabell Endicott, aged about thirty-nine years, deposed. Sworn in court.

Jeffery Massey, aged about eighty-two years, deposed that he was one of the layers out of the Bishop farm and they considered the brook the natural bounds. Sworn in court.

*Writ, dated Apr. 9, 1674, signed by Anthony Somerby,† for the court, and served by Robert Ayers,† constable of Haverill.

† Autograph.

Nathaniell Leonard v. Hana Downing. Defamation. Withdrawn.*

Samll. Leonard v. Hana Downing. Defamation. Withdrawn.†

Benjamin Lowell v. Mr. Richd. Lowell. Nonsuited. Re-entered and verdict for defendant.‡

John Godfris bill of cost, 1li. 17s.

Benjamin Felton deposed that John Godfry was delivered to him in prison by Marshal Skery, and remained there ten days. He then gave his bond for appearance at Hampton court and paid said Felton 5s. for turning the key and 3s. for diet. Sworn, 6 : 8 : 1673, before Wm. Hathorne,§ assistant.

*Writ, dated, 24 : 4 : 1674, signed by John Redington,§ for the court, and served by John How,§ constable's deputy.

Nathanil Lenard deposed that Hana Downing was prejudiced against him and upon his telling her to attend to her duty, as she was their servant and they gave her meat, drink and lodging, and she not obeying, deponent gave her a box on the ear. She then reported stories about him concerning false swearing and uncleanness, which if the former be true, would prevent him from forever giving testimony in any case, and if the latter were true, "I being a singell man my fortten would be leueled with her owne which we trust shall proue is very mene."

†Writ: Samuell Leonard v. Hanah Downing; for saying that he attempted uncleanness with her and with Elesabeth Looke; dated 24 : 4 : 1674; signed by John Redington,§ for the court; and served by John How,§ constable's deputy.

‡Writ: Benjamin Lowle v. Mr. Richard Lowle; for refusing to give him possession of a parcel of marsh lying in the old town marshes in Newbury, adjoining Anthony Morse's land, about eight acres, of which John Lowle died possessed, and which is now in possession of said Richard; dated June 24, 1674; signed by Anthony Somerby,§ for the court; and served by Joseph Bayley,§ son of and deputy for John Bayley,§ constable of Newbury.

Bill of cost, 1li. 4s. 6d.

Copy of papers taken from the Salem court of 27 : 4 : 1671, in a similar action, made by Hilliard Veren,§ cleric.

Copy of will of Jno. of Newberry, dated 12 : 4 : 1647, and proved, 27 : 8 : 1647, upon oath of Edmo. Greenlefe and Willi. Gerrish, before Increase Nowell, secretary, and copy made by Edw. Rawson,§ secretary: "I give unto my wife Elisabeth Lowle one halfe of my Estate whither it consists in Goods w^hin or w^hout land houses Cattell household stufte meadowes land

§ Autograph.

broken or vnbroken or what else also my said wife to choose twenty pounds out of the residue of that estate which came by her mothers formerly or latter, The rest of my estate to be divided equally betweene my sonne John Loule mary Lowle Peter Lowle James Lowle Joseph Loule Benjamin Loule & Elizabeth Loule Also I dow humbly intreat these fwe my christian deare Loving freinds & brethren my brother william Gerrish Richard Loule John Sande's Richard Knights & Nicholas Noyce to be my ecex^s and Admin of this my last will & testament as also to be the ouerseers of my wife & children in a freindly christian way towards them and that you fwe should take ye Advice of our elde's in case any one of my first wiues children dye before they haue their portion in their hands that it be equally devided amongst the rest that are living the same I say Concerning my second wives children Benjamin & Elisabeth these portions for my children to be payd them when the Court Judge them wise & able to mannage an estate as they shall receive information from six of the wise Godly men of the Toune with the Elde's: Also I will that before the Goods be divided that my daughter Elisabeth shall take tenn pounds worth of hir oune mothe's clothes. Also if my wife marry I will that my daughter Mary then shall liue with my sister Johan Gerrish if my sister please if my daughter mary chuse to liue wth my sister before my wife, and that my two daughters shall haue their thirty pounds worth of clothes taken out before the estate be devided." Wit: Edmond Greenleife, Willim. Gerrish and Robert Long.

Letter of attorney, dated June 26, 1674, from Richard Lowle,* of Newbury, gentleman, to Capt. William Gerrish. Wit: Richard Dole* and John Knight.* Sworn in court.

Copy of the inventory of the estate of Mr. John Lowle, deceased, appraised, last of June, 1647, by Edward Rawson, Tho. Miller and Abraham Toppan, and copy made by Edw. Rawson,* secretary: His wearing Apparell, 1 blu wat^d grogran suite, 1li.; 1 Leather suite, 1li. 6s. 8d.; Leather Jacket, 4s.; 1 Black cloth Coate, 18s.; 1 old Bla. Cloake & suite, 1li. 1s. 4d.; 1 Freeze Jackett, 4s.; 1 Liuer Colld Cloth Cloake, 18s.; 1 Liuer Colld. Cote, old, 7s.; 1 Red Wast Coate with Doublett, 6s. 5d.; 1 Liver Colord Jackett & Hose, 15s.; 2 Hatts, 12s.; 1 p Bootes, 10s.; 4 p^r of shooes, 10s.; 4 old stockinnes & new, 12s. 6d.; 4 shirtes Worne, 15s.; 5 Night Cappes, 3s. 6d.; 11 Day Cappes, 1li. 3s.; 6 Bands, 1 pr. Boots with toppes, 7s. 6d.; 6 old Handkercheifes, 2s.; 2 swordes, 1 pr. Bandaleers, 1 Musket, one pistoll, 1 Frather, 1 ponyard, 2li. 4s. 6d. In the Chamber, green Curtains, 2li. 12s.; 1 Fair Cupboard Cloth, 1li.; 2 wrought Cushions 1 Chaer, 1 Case for a Chayr, 1li. 10s.; 1 Carpett, 1li.; 1 peice of Green serge, 8s.; another pr. of Curtains & Vallen, 13s. 4d.; Bookes, 3li. 7s. In Linning, a Tufted holland wastcoate, 4s.; an old

* Autograph.

holland sheete, 2s. 6d.; 2 old Linninne Wastcoates, 3s. 6d.; a Large Diaper table Clothe, 10s.; 1 doz. Diaper napkinnes, 12s.; 1 p fyne Canvas sheetes, 12s.; 3 p Canvas sheetes, 18s.; 3 odd sheetes, old, 5s. 4d.; 2 p old sheetes, 4s.; 2 Course towells, 1s. 4d.; 1 Callico pillow bear, 3s. 4d.; 1 pr. of pillowbyes, 6s.; 1 p Dowlas pillow beers, 4s.; 9 Course napkinnes, 4s.; 14 Course napkinnes, 7s.; 5 other napkinnes, 3s.; 17 Quoifes, 1 Ruffe, 11s. 6d.; 8 forehead Clothes, 10s.; a parcell of childbed Linnin, Headbands, &c., 2li.; 1 odd sheete, 1s.; 4 napkinnes, 1 Towell & table Clothe, 7s. 4d.; table Cloth & 3 Broken peices, 2s.; an old odd sheet & 2 chise clouts, 1s.; a pillowby, 2s.; an old Table cloth & 2 napkinnes, 1s.; 2 old Bands, 9s. 6d.; 9li. yearne, 9s. 6d.; 2 old Carpetts, 1s. 6d.; 6 Drinking Napkinnes, 2s.; 1 p Holland sheetes, 1li. 2s.; a p fine sheetes, 16s.; 2 p Course sheetes, 19s.; Fine old odd sheete, 8s.; p fine Litle sheets, 13s. 4d.; 2 p sheetes, 1li. 12s.; table cloth & napkinnes, 1li. Diapr. table cloth, napkinnes & 1 Damask, 1li.; a table cloth, 2s.; 18 Napkinnes, 15s.; 6 Napkinnes, 3s.; 12 Napkinnes, 4s.; pr. of scotch cloth pillow beares, 4s.; 2 p Holland pillowbears, 16s.; 5 small pillowbyes, 10s.; 1 p Cours pillowbears, 4s.; 1 Halfe sheete, 4s.; 2 Towells, 3s.; Fine Cupboard Clothe, 8s.; A fine plaine Cupboard Cloth, 6s. 8d.; a Long towell, 2s.; a p of pillow bears, 2li. 4s.; Half sheete, 3s.; a tufted —; 2 pin Cushions, 2s. 6d.; 3 oz. Black woosted, 2s.; Flanning Wastcoate, 3s.; p of Course sheetes, 6s.; p of pillowbyes, 3s. 4d.; p pillowbyes, 6s.; odd sheete, 4s.; old odde sheete, 1s. 6d.; parcell of old Linninne, 2s.; old Table cloth, 1s.; 3 peces of Cloth, 1s.; old Wastcoate, 1s. 6d. In Bedding, featherbed, 4li.; Green Rugge, 1li. 10s.; Flocke bed, 18s.; 2 Feather Bolsters, 1li.; 2 pillowes & Bolster, 1li.; Bolster Case, 6s.; p Blanketts, 14s.; 8 Fine Blanketts, 1li. 2s.; pair of Blanketts, 10s.; 1 odd Blankett, 4s.; 6 Cushions, 1li.; 1 Blue Rugge, 6s. 8d.; 1 Feather Bed & 2 pillowes, 4li.; pillow & pillowby, 12s.; flock bed & bolster & 3 old Coverleads, 1li. 1s.; 1 Green Coverled & 2 old Coverleads & 2 Blanketts, 16s.; a Red Rugge, 13s. 4d. & a Fetherbed, 3li.; Flock bed, 13s. 4d.; coverlets & mantles, 6s. 8d.; a Bundle of Lists, 8d.; Looking glasse, 3s. 4d.; 9 doz. bl. buttons, with a parcel of Cruell thred & silke, 8s.; a tunnell, Grater & 3 Jugges, 3s.; Iron hook, 1 grater, 1 pile hooke, 1 Dung forke, 6s.; a Litle chaire, 2 old rings, 1 garden Rake, 2 Fowling peeces, a Muskett, 3li. 2s.; 1 pashall, 1 Iron fireforke, 3s.; 1 chair, 1 Bedstead, 1 frame of a table, 1 flasket, 1 Tow Combe, augur, p of sheeres & peces of Iron, 13s. 6d.; 2 Beer barrells, 1 hand Bar, 1 poudring tub & Cover, 2 Churnes & other old tubbs, wooden Bouls, 3 Earthen pots, 1 Tunell, 3 cheese Fatts, 1 Wood Cup, 1 pecke & a Halfe pecke, 1li. 9s.; peic of Lead, 1 Table chair together, 7s. 10d.; kneading trough & Bracke, 5s.; 1 Salt Box, 1s.; 1 Hedge hook, 2 reap hookes, 1 pitch fork, 1 spade & 1 shovell, 10s.; 1 Woodin plough,

1 ax & a Ladder, 5s.; 1 doz. 1-2 of trenchers, 1s.; 1 Bedstead, 1 Cradle, 3 trays, 10s.; 1 slidd, 3 yoakes, 1-2 handed saw, a chayne, cart & wheelles, Rinng, pinns & Bands, 2li. 10s.; a pitchfork, 2 hhd. & a Butt, 8s.; a winnow sheete & some Flaxe, 4s.; A still, porringer & sacer, 13s. 6d.; 4 sackes, 8s.; 5 Leather bagges, 6s. 4d.; a Litle Bagge, 1s. 6d.; grindstone, 6s. 8d.; 3 howes, 1 Wedge, Ladders & Frame, 14s. 6d.; a plough & share, 10s.; brasse kitles, & Iron with stake & carving knives, 17s.; box with severall parcells of small things, 5s.; Indian Basket, 2s.; Long Brush & 2 other Brushes, 2s. 6d.; deske, 1s., 3 Trunkes, 18s.; a Haire Line, 1s.; can & powder, 6li.; Bullets, 5li. of shott, 6s.; 3 Lockes & a Key, 3s.; Boxe, 6d.; Barrell & 5li. Brimston, 2s.; Boxe & 4 papers of needles, 4s. 6d.; a Litle trunke, 2s.; Lampe & Iron Candlestick, 1s.; fat, drink cup & glasse, 1s.; Chest, 15s.; p of Dogges, 5s.; Brasse chafer, 5s.; Warming pan, 3s. 4d.; Leather, 3s. 4d.; Iron & a Hook, 10s.; 13 bu. Malte, 2li. 12s.; flaxe & Hempe, 7s.; 1200li. Nayles, 6s.; a Bedstead & 2 Joyned stooles, 5s.; a search & a Box, 1s. 6d.; Flasket, 1s.; A Casement Iron Hookes, staples, old Iron, nayles, 15s.; 4 hhd. & 3 Barrills & a sive, 11s. 8d.; calves skin, 1s.; 2 old sithes, nibbs & Rings, 3s. 6d.; bedstead & 1 Doz. Lace, 6s.; orange & yellow silke, 8s.; p childs gloves, 3s.; 1 Grograne Kertle & Gowne, 3li.; 1 popus gowne & kertle, 2li.; a stamell bearing whitle, 18s.; 1 Red propus petticoate, 1li.; 1 Red Cloth petticoate, 1li.; 1 Red mantle, 8s.; 2 swathing Bands, 2s.; Coat & Hood, 12s.; 21 pewter platters, 3 butter Dishes, 7 porringers, 12 saucers, 3 Flagons, 1 pewter cup, 1 salt cellar, 2 candlestickes, 3li. 7s.; 1 great pott & pint pott, 1 Vinegar, 5s.; 3 Brasse Candlestickes, 1 Chamber pott, 6s. 6d.; Brasse scales & Beames & 1 p of sheares, 4s. 10d.; 1 p Brasse snuffers, 1s. 2d.; 2 Iron Candlestickes, 1 chafing dish, 2 Skimmers, 5s.; 2 sterling Irons, a wood pres & Brushe, 6s.; 1 Boule, 2 lattin kivers, 1s. 6d.; p Bellows, 2s.; 1 Case of Boxes, 8s.; File, 1 draft shave, 2 handsawes, 1 Augr., 1 plain, 2 Hammers, 2 Chissels, 1 gorge, 3 aules, a gimlet & 2 Rings, 13s.; Iron fender, 1 Iron pott, p^e of a Hanger & hookes, tongs & firepans, a litle Crook, 1li. 10s.; 1 Brass Kettle, 2 Brasse skelletts, 6s.; 2 sythes & a Cutting knife, 3s.; Cartrope, 5s.; a brass Copper, 2li. 10s.; Iron pott, 3 Brasse potts, 1 Bellmetle skellet, 1 Litle bel skillett, 3li. 4s.; Iron dogs, spits, —; cowes, 10li.; 2 Oxen, 11li.; 2 three year steares, 9li.; 2 year stear, 2li.; 1 yearling stear, 1li. 10s.; 2 Bull Calves, 2li.; 4 swine, 2li. 10s.; Dwelling house & 4 acres of Land, 16li.; Corne on the 4 Acres, 4li. 10s.; another House & 2 acres of Land, 1li.; the Croppe on it, 3li. 10s.; Barne with half an acre & ye Crop, 10li.; 6 acres at 6s., 7li. 16s.; crops, 7li. 4s.; 18 acres, 9li.; fenc to it, 6li.; 9 acres of land, 1li. 16s.; 6 acres of meadow, —; 8 Acres of marsh, —; 13 Acres of Marsh, 3li. 1s. 8d.; 4 Acres of Meadow, 1li. 10s.

Copy of bond, dated Mar. 30, 1639, given by John Lowle of

John Godfery v. James Sanders. Trespass. For taking away a cow. Verdict for defendant.*

the city of Bristol, glover, to his father Pecephall Lowle of the same city, gentleman. Wit: John Oliver and Richard Dole. Copy made from the Ipswich court files of 1647, by Robert Lord,† cleric. Sworn in court.

Richard Lowell, aged seventy-two years, testified that the meadow in controversy was secured by execution granted his father Parsivall Lowell in satisfaction of a debt due his father from his brother John Lowell, and they had peaceably enjoyed it for twenty-six years. Sworn, June 29, 1674, before Robt. Pike,† commissioner.

Anthony Mors, sr., aged about sixty years, testified that John Lowel possessed this meadow until the day of his death. Sworn, June 27, 1674, before Robt. Pike,† commissioner.

Jacob Tappan and John Sayer, aged about twenty-eight years, deposed that being at the house of Richard Lowle, they heard Benjamin Lowle demand the marsh of his uncle Richard. Said land was in the old town marshes of Newbury, adjoining Anthony Mosses' land. Sworn, June 27, 1674, before Robt. Pike,† commissioner.

Richard Dole, aged fifty years, and John Knight, deposed. Sworn in court.

Elizabeth Lowle,† widow, of Newberry, certified, 18 : 10 : 1648, that she had received from the overseers of her husband's estate, her legacy according to order of court, for herself and her two children, Elizabeth and Benjamine Lowle. Wit: Percivall Lowle,† Margret (her mark) Lowle and Wm. Gerrish.† Sworn by the witnesses, Capt. Willm. Gerrish, aged fifty-six years, and Margaret Lowle, aged about sixty years, on Nov. 6, 1673, before Daniel Denison.†

Thomas Silver, aged about fifty years, deposed. Sworn, June 27, 1674, before Robt. Pike,† commissioner.

*John Godfrey v. James Sanders; trespass, for taking away a cow from said Godfrey upon the highway with violence, and for calling him rogue; dated May 14, 1674; signed by Richard Currier,† for the court; and served by Robert Ayers,† constable of Haverill.

Thomas Whittier, aged about fifty-four years, deposed that he heard John Borback say that he bought the cow in controversy of Henery Jackwayes of Nubry, and had her before James Sanders, etc. Samll. Currier testified to the same. Sworn, June 29, 1674, before Nathl. Saltonstall,† commissioner.

Edward Clarke, aged about forty-five years, deposed that he heard James Saunders acknowledge that he took the cow away

† Autograph.

Joseph Armitage v. Henry Roads. Review of an action tried at Salem court. Verdict for plaintiff.*

Joseph Armitage v. Hen. Roads. Review of an action for-

from John Godfrey in the highway. Sworn, June 19, 1674, before Daniel Denison.†

James Sandars' bill of cost, 1li. 10s.

Receipt, dated Apr. 2, 1674, given by John (his mark) Godfrey of Salem to John Burbanke of Haverhill, for 19li. 10s., which he had received from Joseph Peasly. Wit: Thomas Whittchar and Joseph Peasly. Sworn, June 29, 1674, before Nath. Saltonstall,† commissioner, and copy made by him.

John Burbanck's agreement, dated Jan. 19, 1671, to pay to John Godfrey for the rent of the two cows he hired of him, three-score pounds of butter per year, for two years from May 1, 1671, said Godfrey to find the firkin. Wit: Anthony Somerby and Joseph Palmer. Copy made by Hilliard Veren,† cleric.

Petter Bruer testified that he was desired by John Godfrey to help him drive a cow which he had in the street near James Sanders' house, but the latter came at them with a club in his hand and drove them away. Sanders told Godfrey he would knock his brains out if he meddled with the cow, and if they would give him leave to go in and put on his clothes, they might have the cow if they could get it away from him. Sworn, May 7, 1674, before Daniel Denison.†

Joseph Pesele and Jebish Hendrickes deposed. Sworn, June 29, 1674, before Nath. Saltonstall,† commissioner.

Jebish Hendrickes testified that Godfrey took a cow out of Sanders' pasture, etc. Sworn, June 29, 1674, before Nath. Saltonstall,† commissioner.

Peter Bruer testified. Sworn, June 29, 1674, before Nath. Saltonstall,† commissioner.

James Gorg testified that Godfrey offered to bind himself to free Sanders from any damage, etc. Sworn, June 29, 1674, before Nath. Saltonstall,† commissioner.

Joseph Peasly and Jabish Hendrick deposed that James Sanders the last winter took a cow of John Berbank to winter for him, etc. Sworn, June 29, 1674, before Nath. Saltonstall,† commissioner.

*Writ, dated June 25, 1674, signed by John Fuller,† for the court, and served by William Croft,† constable of Lynn.

Hen. Rhodes' bill of cost, 1li. 3s. 4d.

Copy of Salem court record, 25 : 4 : 1672, in an action of Joseph Armitage, in behalf of the church, against Henry Roades and Mr. Thomas Cobbitt, made by Hilliard Veren,† cleric.

† Autograph.

merly tried at Salem, concerning burning of fence. Verdict for plaintiff.*

*Writ, dated June 25, 1674, signed by John Fuller,† for the court, and served by William Crofts,† constable of Lynn.

Joseph Armitage's bills of cost, 2li. 2d. and 2li. 2s. 2d.

Oliver Purchis, aged upward of fifty years, deposed that Mr. Henry Rhoades, now of Lynn, set his fence on the side next to the Iron works very near the line that Capt. Bridges said was his bound, etc. Sworn, 23 : 7 : 1672, before Wm. Hathorne,† assistant.

Capt. Thomas Marshall testified. Sworn, 23 : 7 : 1672, before Wm. Hathorne,† assistant.

Copy of papers in a similar action taken from Salem court of 25 : 4 : 1672, made by Hilliard Veren,† cleric.

Summons, dated June 25, 1674, signed by John Fuller,† for the court.

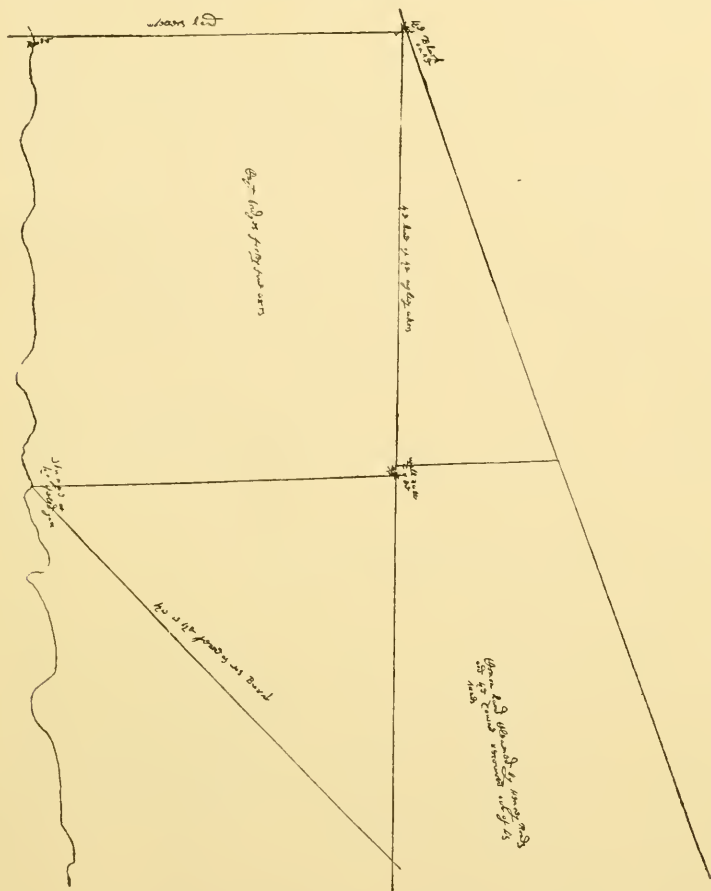
Henry Rhodes'† receipt for satisfaction of an execution, dated July 19, 1672. Wit: Henry Skerry, sr.† and George Keysar.†

The lands of the Right Worshipfull Capt. Robert Bridges, 25 : 11 : 1654, as copied from the town book of Lyn, 20 : 7 : 1672, by Thomas Laughton,† cleric: "All yt pcell of land neere ye feild gate w^h belongeth to ye owners of ye Iron workes hauinge ye land of Thomas Wheeler one y^e south est side thereof the lands of ye owners of ye Iron workes w^h was Bought of m^r Knowles one the Northeast side therof & ye Towne comon upon the rockes one the southwest side thereof containinge by estimation fifty Acres, As alsoe yt southermost half part of the fresh meadow yt lyeth one the westerly side of the sd Rockes containinge by estimation fivue acres ye w^h sd meadow & upland was bought by the sd Robert Bridges of m^r Timothy Tomlins."

Thomas Newhall and Marthew Farington testified that Timothy Tomlines had four-score acres of land given him by the town of Lyn, forty-five of which he sold to Capt. Robert Bridges, and the rest was called Mr. Knowles' land; that there was no improvement made by fencing or plowing, by Bridges, Knowles, Capt. Marshall or John Andruse, but since then, Henry Roads had fenced it but would not show his title, and also took in a considerable part of the town common; that the town obtained judgment against him and he surrendered the side common; that the selectmen measured the forty-five acres and found it from the river joining to Thomas Wheller's land, to a black oak marked upon the hill, which bounds said Roads had often owned to be two of his corner bounds, and from that black oak to a walnut tree, and from this tree to a stump by the field gate going

† Autograph.

to the Iron works, etc. Robert Potter testified to the same. Sworn, 23 : 7 : 1672, before Wm. Hathorne,* assistant.



Copy of deed, dated Sept. 14, 1660, from John Andrewes of Lynn, gentleman, to Henry Roades of Lynn, yeoman, for 39li., 45 acres of land in Lynn, which the town formerly granted to Mr. Timothy Tomlins, bounded easterly by Thomas Wheeler, westerly by the Iron works, northerly by the brook or creek that divides it and the Iron works' land, and southerly by the town common. Wit: Edmond Batter and George Keaser. Acknowledged, 28 : 9 : 1660, in court. Recorded, 10 : 10 : 1660, by Hilliard Veren,* recorder.

* Autograph.

Jacob Allen v. John Conney. Verdict for plaintiff, to be paid in apparel as money.*

Theophilus Bailly v. Obadiah Emmins. Verdict for plaintiff.†

Sammuel Johnson‡ deposed, 19 : 7 : 1672, that he was a witness to the assignment of a deed by Mr. Gifford to Joseph Armitage of Linn, which deed was from Mr. Knowles to Mr. John Bex & Co., of the Iron works, etc. Sworn, 20 : 7 : 1672, before Wm. Hathorne,‡ assistant.

Eleazer Rhodes, aged about thirty years, and Samuella Rhodes, aged about twenty-eight years, deposed that their father and Mr. Purchas ran the line and the fence was put up in 1664 or 65. Sworn, 19 : 7 : 1672, before Wm. Hathorne,‡ assistant.

Mr. Nathaniell Handforde, Eliezer Rhodes, Samuella Rhodes, Andrew Mansfield and John Burrall deposed. Sworn, 19 : 7 : 1672, before Wm. Hathorne,‡ assistant.

*Writ: Jacob Allen v. John Conney; non-performance of covenant; dated May 28, 1674; signed by Jonath. Negus,‡ for the court; and served by Returne Waite,‡ marshal's deputy. Bond of John Conney.‡

Letter of attorney, dated June 9, 1674, given by John Conney,§ of Boston, cooper, to Leift. Richard Way of Boston, cooper. Wit: Bozoun Allen‡ and Returne Waite.‡

Indenture, dated Apr. 3, 1666, given by Jacob Alline, son of Hope Alline of Boston, currier, who of his own free will and with the consent of his father, put himself to John Conney of Boston, cooper, to learn the trade of a wine cooper, and to serve for seven years from May 1, 1666; at the end of his time he was to have two suits of apparel, one for work and another for Lord's days, also four new shirts, two new pair of shoes, one cooper's ax, an adze and a handsaw. Wit: Hope Alline,‡ John Bushnell‡ and William Pearse,‡ scribe. Sworn, June 17, 1674, by Hope Allin, before Thomas Clarke,‡ commissioner.

Bill of cost, 1li. 8s. 6d.

†Writ: Theophilus Bailly v. Obadiah Emmins; forfeiture of a bond; dated May 20, 1674; signed by John Fuller,‡ for the court; and served by Rich. Wayte,‡ marshal of Suffolk, by attachment of the dwelling house and land of defendant in Boston.

Theophilus Bailly's bill of cost, 1li. 8s. 8d.

Bond, dated 25 : 6 : 1671, given by Obadiah Emons‡ of Boston, cordwainer, to Theophilus Bailly of Linn, for 10li. Wit: Zakarius Phillips‡ and Samuella Emons.‡ Sworn by said Phillips, June 25, 1674, before Tho. Lake,‡ commissioner, and by said Emons, June 27, 1674, before Edward Tyng,‡ assistant.

‡Autograph.

§ Autograph and seal.

The selectmen of Lyn, in behalf of the town v. John Ottaway and Joseph Edmonds. Review of a case tried at Salem in June, 1673. Withdrawn.

Mr. Ed. Batter v. Ruth White, administratrix of the estate of Tho. White, deceased. Debt. Verdict for plaintiff.*

Mr. Daniell Epps v. Mr. Wm. Quarles. Verdict for plaintiff.†

*Writ, dated 21 : 4 : 1674, signed by Hilliard Veren,‡ for the court, and served by Henery Skerry,‡ marshal of Salem. Bond of Ruth Whit.‡

Bond, dated Apr. 13, 1671, given by Thomas White‡ of Wenham to Edmund Batter of Salem, for 4li. 5s., to be paid in corn, pork or pine boards. Wit: William Fiske‡ and John Smith.‡ Sworn in court.

Edmund Batter's bill of cost, 1li. 3s. 7d.

Copy of the records of Ipswich court in a similar action, Mar. 25, 1673, made by Robert Lord,‡ cleric.

Copy of the account of debts of Tho. White's estate, taken from the Salem court files of 27 : 4 : 1673, by Hilliard Veren,‡ cleric.

Henry Skery, sr., aged about seventy years, deposed concerning collecting the debt due from White's estate to Batter. He delivered the bond in court to Walter Fairefield, etc. Sworn in court.

†Writ, dated May 22, 1674, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich, who committed Mr. William Quarles to Ipswich prison, where Theophilus Wilson, prison-keeper, took a bond for him.

Daniell Epps's‡ account with Mr. Quarles, dated July 1, 1674: Received of Mr. Quarles in Jan. and Feb. 1667 by two 50li. bills in England for which I allowed him 120li. upon account of the 340li., and 60li. by bill to Mr. Bishop, allsoe in bookes and a voyalle, 5li. 11s. 2d., 185li. 11s. 2d., for which wee reckoned and I gave him a discharge before Oct. 26, 1668; in 1668 and 1669, when all was balanced I had received more 6li. 2s. 9d.; then I received 1li. 5s., by 10 yd. canvis for which I gave him receipt; Dec. 31, 1669, by a bill of Mrs. Whipples, principall and intrest. 43li. 4s.; a bill to Cornet Whipple in mault, 8li.; Feb. 2, 10 bush. of barley at 4s. 6d. per bushell, 2li. 5s.; May 2, 1670, by a cow at 4li. 3s.; total, 250li. 10s. 11d.; The 32li. which I should have had in England according to his engagement, besides the 100li., I was to allow according to six score for the hundred and give him credit for 38li. 8s., upon the 340li. account, but said Quarles wrote to England presently for the 32li. for his own use utterly

‡ Autograph

against my will and let it come over in such goods as he sent for, and I humbly conceive according to law I am to have the said 32li., according to sphece with damage and the rest allsoe in maner or sphece which with damage, is 6li. 8s., being added to the 32li.

Letter of attorney, dated 27 : 3 : 1674, given by William Quarles* of Ipswitch to John Pickard of Rowley. Wit: James Dickinson† and Nehemiah Jewett.† Sworn, by the witnesses June 29, 1674, before Daniel Denison.†

Bond, dated May 25, 1674, for William Quarles' appearance, signed by Nathaniel Adames† and Ephraim Fellows,† both of Ipswich, husbandmen. Wit: John Leef and Samuel Adams.†

Bond, dated Jan. 13, 1667, given by William Quarles,* of Ipswich, gentleman, to Daniell Epps, of Ipswich, gentleman, as an obligation in a deed of the same date, for 340li., to be paid in money, corn, wheat, malt, Indian corn and pork. Wit: Samuel Symonds† and Daniell Epps, jr.†

William Quarles affirmed, 27 : 3 : 1674, concerning a bargain with Mr. Daniell Eps, sr., for 60 acres of land he sold said Quarles in the latter's non-age: "I was to my best remembrance & as I then reported but about twenty years of age; and Letters from my freinds Confirmed me that I was rather under then above: when he drew me to bargon wth him which I shall relate as followeth: I being gon from y^e worshipfull M^r Symonds his house, where I served my time, to the eastward, where I lived above a year, I was sent to by M^r Symonds & M^r Dl. Eps sen^r both their sons comeing to me in their name, & acquainted mee that there was Intelligence Come from England of Estate viz. Monies ready to be payed mee upon sending for: I being settled there was loath to Come away with them, but by their Importuneing of me I Consented, & Came along wth them: & when I came to m^r Symonds his house there was two or three Letters delivered mee, & all of them opened before I Receiued them (but by whome I know not) soe y^t others did know or might have knowne what was in them: which when I had perused, I found it as they had Informed me Ready upon sending for, in monie about 200^{li}. Soone after M^r Eps proferd to sell me Land towards wenham, wth respect to pay in England in monie &c. which Land when I saw I told him I would nott live on it If he would give it mee: The next morneing seing I would not buy that, he solicited mee to buy another peice, w^{ch} was y^t I now live on: about three score acres which he valued to me at four hundred pounds: I was Indisposed to medle wth it, & went away & left him: Emedietely M^r Eps & his wife followed me to Mr. Symonds his house, & desired me to take it, using many persuasive arguments & sayd they would abate sixty pounds of 400^{li} I told them I was not able to purchas it: they replied,

* Autograph and seal.

† Autograph.

John Godfery v. Abraham Whittaker. Debt.

Mr. John Ruck v. Ensigne John Gould, Samll. Leonard and Nathll. Leonard. Verdict for plaintiff, twenty hundred of bar iron.*

Mr. Symonds would give such a Testimony to my uncle, as would Incouradge him to pay for me, & sayd he was a man of Ability to doe it p me: I being sencible y^t I was young, & understood not what belonged to the buying of Land, I did wth stand his motion: But they still pressing wth such great urgency, I knew not what to doe or how to say them nay, but Consented to give them the sum of 340^{li} as they valued it, & desired: forth wth there was writings made, bill & Bond given, & all within two or three days. This being in winter the next spring I occupied the same & soe Continued to emprove, but found it to be quite otherwise then M^r Eps had Informed mee, for he told me If my uncle would not pay the remaynder, for the land, the Land itself would produce enough to pay the same (which was eight score pounds) in three years time; but I haveing Continued on it til I had two Cropps, & began to vnderstand how I was overreached by him in the bargon, I proffred m^r Eps three score pounds to release mee of the same: M^r Eps replied If he had the mony by him, he would take it againe." Sworn before Daniel Denison.†

Thomas Loveell & James Chewte deposed, June 22, 1674, that three or four years since, Mr. Epps procured the latter and Mr. Quarles, the former, to measure a parcel of land, which they did, on the northeast side next to Mr. Epps, and found about seventy acres, with thatch banks. Sworn, June 22, 1674, before Daniel Denison.†

Bill of costs, 1li. 17s. 9d.

Theophilus Wilson deposed that when Mr. Quarles was in prison, the latter told Mr. Epps that he would give his whole farm as security, but Epps said that half would do. Then Quarles said he would not do it and went away and later took Nathaniell Adams and Ephraim Fellows on his bond. Sworn, June 26, 1674, before Daniel Denison.†

*Writ, dated 18 : 4 : 1674, signed by Hilliard Veren,† for the court, and served by Henery Skerry,† marshal of Salem.

Mr. Ruck's bills of cost, 1li. 9s. and 1li. 18s. 4d.

Bond, dated Oct. 15, 1673, from John Gould† of Topsfield, Samuel Leonard† and Nathanel Lenard† of the Iron works in Rowly village, to John Ruck of Salem, merchant, 30 C. in bar iron, to be delivered at said Ruck's house, he paying for carting, on account of Mr. Henery Lennard. Wit: Hilliard Veren, jr.,†

† Autograph.

John Ballard v. Hen. Roads. Verdict for plaintiff, to be paid in fish.*

Phillip Nelson and Sara Jewett, attorney to her husband Jeremiah Juet, executor of the last will of Joseph Juet of Rowly v. Bozoone Allen of Boston, tanner, son of Capt. Bozoone Allen of Boston, deceased, and legatee of an estate befallen him, which was to be paid by Joseph Juet, his executor. Court declared the letter of attorney from Jere Juet to Sara, his wife, referred to the premises and was not understood to give larger power, therefore court did not see cause for the action to proceed.†

and Benjamin Gerrish.‡ Sworn, 28 : 1 : 1674, before Wm. Hathorne,‡ assistant.

*Writ: John Ballard v. Henery Roods; for not delivering to Capt. Curwin four quintals of fish, as appeared by his note to William Nick; dated June 24, 1674; signed by John Fuller,‡ for the court; and served by John Ballard,‡ constable of Linn, by attachment of land adjoining defendant's water mill.

John Ballard's bill of cost, 11i. 6s. 6d.

Henery Rhodes'‡ order to Goodman Nicke to deliver the fish as he engaged to do with Mr. Curen's man, Mr. Bowdites.

William Nick, aged forty-two or three years, deposed that in weighing time in June, 1673, Mr. Rhodes and John Ballard, with Capt. Corwin's man, Mr. Buridge, came to deponent. Ballard was told that the fish was ready in deponent's stage, the little stage, but Mr. Buridge would not receive it then because it was evening and the weather damp, but said he would come the next fair day. But no one ever came for it and the fish spoiled, etc. Mr. Rhodes would have had said Ballard receive the fish, saying it was ready, "& hee sd it was all one skipper, nix will deliuer it, & I haue don with you." Sworn in court.

John Pederick, aged about forty-eight years, testified that the fish was in good condition. Sworn, 30 : 4 : 1674, before Wm. Hathorne,‡ assistant.

†Writ: Jeremiah Jewet and Phillip Nelson, executors of the estate of Joseph Jewet of Rowley, deceased v. Mr. Edward Rawson of Boston, the only surviving overseer and ample agreeer with Joseph Jewet, deceased, in articles dated Apr. 30, 1653, and of Bozoone Allen of Boston, attorney to said Rawson; review of an action tried at Boston county court in April last, concerning forfeiture of a bond of 1,500li. dated May 10, 1653; dated 11 : 4 : 1674; signed by Shu. Walker,‡ for the court; and served by Neh. Jewett,‡ constable, and deputy for Simon Stace,‡ constable and Rich. Wayte,‡ marshal of Suffolk.

‡ Autograph.

Abraham Perkins v. John Cutt, jr. Verdict for plaintiff.*

Writ, dated 11 : 4 : 1674, signed by Shull. Walker,† for the court, and served by Rich. Wayte,† marshal. Bond of Edward Rawson† and Bozoun Allen.†

Edward Rawson's bill of cost, 1li. 8s.

Bozoone Allen's bill of cost, 3li. 4s.

Copy of Sarah Jewett's notice to Rawson and Allen of the withdrawal of the suit, dated 23 : 4 : 1674, and witnessed by John Pickard and Neh. Jewett.

Sarah Jewet's† notice, dated 11 : 4 : 1674, to Mr. Edward Rawson and Bozoone Allen of the withdrawal of the suit. Wit: Shu. Walker† and Neh. Jewett.†

*Writ: Abraham Perkins v. John Cutt, jr., of Portsmouth; for, he having been shipped master of the ketch Dove, 29 tons burthen, for a voyage to the Barbadoes and return, not performing the same, but reports he has sold the ketch at Barbadoes for 250li. in silver, without any order; dated June 11, 1674; signed by Robert Lord,† for the court; and served by Obadiah Mors,† constable of Portsmouth, who delivered him to Abraham Perkins to hand over to the prison-keeper at Ipswich.

Letter of attorney, dated June 20, 1674, given by John Cutt† of Portsmouth, Piscataqua, merchant, to Daniel Epps of Ipswich, gentleman.

Abraham Perkins' bill of cost, 3li. 12s. 9d.

Bond, dated June 19, 1674, given by William Hubbard,† teacher of the Ipswich church, for the appearance of John Cutt, jr.

Bill of sale, dated Nov. 3, 1673, without signature and witnesses, given by John Burnam, jr., of Ipswich, carpenter, to John Pumery of Salem, mariner, for one-half of the new ketch called the Dove, built at Chebacko in Ipswich, of about 30 tons burthen, also half of the masts, sails, sailyards, anchors, cables, ropes and cords, the long boat, etc.

John Pumroy, aged about thirty-eight years, testified that the foregoing bill of sale was agreed upon but he desired to relinquish the bargain because when he came to measure the ketch, he found she would not carry above thirteen or fourteen ton in Barbados cask and he was afraid he and Abraham could not agree. He judged the whole catch to be worth not over 120li. in money. Sworn in court.

Edmund Marshall,† aged about twenty-six years, deposed that he and his brother Benjamin built the ketch Dove for Abraham Perkins and John Burnham, for 3li. 5s. per ton, and they stand ready to give a bill of sale of it whenever desired. Sworn, June 29, 1674, before Daniel Denison.†

Jacob and Luke Perkins, aged twenty and twenty-five years,

† Autograph.

respectively, deposed. Sworn, June 29, 1674, before Daniel Denison.*

Samuel Wilson, aged about twenty-four years, deposed that Abraham Perkins shipped him for the ketch Dove, and he was to live with him one whole year upon the same account. Further that deponent put himself out of the way of any other employment, waiting at least one month or six weeks, and said Perkins told him that he expected the ketch home by the latter end of March, 1674. Sworn before Daniel Denison.*

Charter party, dated, Portsmouth, Sept. 7, 1673, between Abraham Perkins, owner of the ketch Dove of Ipswich, 29 tons, and Richard Martyn† of Portsmouth, merchant, the said owner have "freight letten" to the said merchant the ketch "for a voyage wth her to bee made by gods grace in manner & forme following (That is to say) The said owner Covenanteth granteth & agreeth to & wth the said merchant his factors & Assignes by these psents: That y^e said ketch shall bee compleatly fitted wth all her tackell & Apparrill & w^t ever is convenient for her for such A voyage wth an able master & three sufficient Seamen more for her and all such puision as shall bee needfull for her: And shall bee readie in the Riuer of Pascataque to take in such loading of fish in casque: packt casque mackrill & oyle, as the said Mercht. Shall See meet to load her with at or before the last day of october next ensuing the date hereof And that the sd ketch shall as soone as shee is loaden by sd merch^t his Factors or Assignes wth the first faire wind & weather make sayle from thence towards & vnto the Island of Barbados vnto Carlisle bay where shee shall bee wth all convenient speed discharged from her said service & Impleym^t," and the said owner was to receive 600li. of Muscovadoe sugar for every ton carried for said merchant to be paid within ten days after she be unloaded, also he was to have liberty of two tons freight, and the owner and merchant bound themselves in 200li. to have the covenant fulfilled. John Burnum,* part owner, also agreed to the indenture. Wit: Thomas Harney* and John Cutt.*

Account, dated Barbados, Feb. 14, 1673-4, of freight sent to Barbados in the ketch Dove of Ipswich upon account of Mr. William Hubbard and Mr. Abraham Parkings of Ipswich, signed by John Cutt*: Dr. to wages for myself in the Dove from Nov. 21 to Feb. 16, at 4li. per month, is 10li., in sugar at 8s. 4d. p, 2,400li.; to wages paid Jos. Sharbron from Nov. 21 to Jan. 29, at 35s. p month, 3li. 15s., in sugar 906li.; to wages paid Lewes Colle from Nov. 24 to Jan. 29 at 34s. per month, 3li. 12s., in sugar 864li.; to wages paid Christopher Cose from Nov. 21 to Jan. 29, at 35s. per month, 3li. 15s., in sugar, 906li.; to boat hire for lading the ketch, 1s. 8d., in sugar 216li.; to entering in the Secretary and Navy office, 12s. 6d., in sugar 150li.; to

* Autograph.

† Autograph and seal.

gunpowder, 14 pounds, at 1s. 6d. p., in sugar 252li.; to abatement of your freight for damage of fish by defect in the ketch's deck, in sugar 600li.; to my expense and charge, in sugar 500li.; to 2 hhds. sugar, 1,670li.; to the duty of your sugar at 4 1-2 per cent., 75li.; to hh. for sugar, 250li.; total, 8,789li. sugar; to wages for myself from Feb. 16, 1673 to Apr. 16, at 4li. per month, 8li. Cr., by freight of 8 hhs. 34 quintals of fish in bulk being consigned to Mr. John Johnson at the rate of 600li. sugar per ton, in sugar 2,230li.; by freight of 8 hhs. consigned to Mr. Tho. Stockom at 600li. sugar per ton, 1,200li.; by freight of sundry goods sent to Mr. Parret at 600li. sugar per ton, 2,700li.; by freight of 10 quintals of fish consigned to Mr. John Vaux at 600 p ton, 300li.; by freight of 30 quintals of fish in bulk consigned to Mr. John Johnson at 600li. sugar per ton, 900li.; by freight of 30 quintals of fish in bulk consigned to Mr. Strowed, at 600li. of sugar per ton, 900li.; by freight of one bb. of oyle, 3-4 C. of hgd. staves, 55 pipe staves, 100li.; by freight of 4 hh. consigned to Mr. Banster, 600li.; total, 8,930li. sugar. Due to balance, 141li.

Bond, dated July 19, 1673, of Abraham Perkins* and John Burnum* for the payment of the cost of building the ketch. Wit: Benjamin Marshall* and Edmond Marshall.*

Benjamin Marshall deposed that being at the house of Abraham Perkins the evening before he intended to go out with the Dove, he heard Mr. Huberd ask said Perkins whether he would sell his part of the ketch. Perkins answered that he built her for his own use and had put himself out of his other employment to go in her, and therefore would not sell, though he could have more than she was worth for he liked her so well. Sworn, June 29, 1674, before Daniel Denison.*

Edmond Marshal and Benjamin Marshall, aged respectively twenty-six and twenty-four years, deposed. Sworn, June 24, 1674, before Daniel Denison.*

John Burnam, aged about twenty-seven years, deposed. Sworn, June 25, 1674, before Daniel Denison.*

Francis Wainwright deposed that Perkins said he would sell his half for 80li., Jno. Burnum, jr., having sold his half to Hubbard for 70li. Sworn, June 29, 1674, before Daniel Denison.*

Daniel Hovey deposed that in his own house and in Abraham Perkins' house, he heard said Perkins say that he was not pleased with the sale of his ketch. Sworn, June 30, 1674, before Daniel Denison.*

John Rennerrik deposed that at his house, etc. Sworn, June 30, 1674, before Daniel Denison.*

Artor Arbit, aged about thirty-five years, deposed. Sworn, June 16, 1674, before Daniel Denison.*

Luk Perkins, aged about twenty-five years, deposed that he

* Autograph.

Daniell Wicum v. John Pickard. Slander. Verdict for plaintiff.*

was at Porchmouth when his brother Abraham Perkins demanded the ketch of John Cutt, who said that Mr. Hubbard gave him order to sell her at Barbados, etc. Sworn, June 29, 1674, before Daniel Denison.†

John Perkins and Elizabeth, his wife, deposed that Mr. Hubbard wrote Cutt a letter, etc. Sworn, June 27, 1674, before Daniel Denison.†

*Writ: Daniell Wicum v. John Pickard; slander; for saying that he went with John Acie into Goodman Lever's house in the night time when the said Lever was in bed and took several writings out of his house and would not let him have them again; dated June 24, 1674; signed by Robert Lord,† for the court; and served by Jeremiah Elsworth,† constable of Rowley.

Danil Waycom's bill of cost, 1li. 8s. 10d.

John Pickard deposed that upon the day the agreement was made after he and Wickam were through quarreling, they discoursed pleasantly. Wickam said in the presence of John Acy "that they had spent the day till now waiting for you or otherwise we might haue done by this time but I thought your brother had a mind to haue you present and now y^e are come we are like to do nothing neither I told him the said daniell I am sory I should hinder you let us do it yet. Afterwards they went to John Johnson's house and then was the writing made called the agreement signed by me and daniell wickam as witnesses theirunto And further saith that about a month after I knowing Jonathan moores was their at that day I asked him what those promises were that was before he went away whither they were reall things or matter of discourse he answered my uncle said he was willing to take cattle and he desired nothing before may day but they finished nothing while he that is Jonathan Moors stayed." Sworn, June 23, 1674, before Daniel Denison.†

Wm. Tenny deposed that discoursing with Symon Chapman about Daniel Wickam suing John Pickard about a slander, Chapman said it was a frivolous business and he thought they were about to play the knave with said Pickard. Sworn, June 30, 1674, before Daniel Denison.†

John Johnson deposed that he and his brother Pickard going to Thomas Leaver's for copies of ox-pasture orders, said Leaver told them that John Acy and Daniell Wickam came one night when he was in bed and they searched among the writings. They said they wanted copies and said he could give only copies of copies that he kept for his own use. Sworn, June 24, 1674, before Daniel Denison.†

† Autograph.

Daniell Wicum v. John Pickard and Abram Hazelton. Verdict for defendants.*

Simon Chapman, aged about thirty years, and Abell Platts aged about twenty-four years, deposed that they were at Major General Denison's house on May 6 or 7, etc. Sworn, June 27 1674, before Daniel Denison.†

Thomas Leavor testified that his wife told him that they looked at the writings when he was in bed, the said writings having been left in his keeping for the use of such as belonged to the east end ox-pasture. He was desired by some of the company to keep them and at a meeting of the ox-pasture men, to transcribe them. A few mornings after, Jno. Acie desired to see those writings which deponent had transcribed and he was given them, and when he had looked at them, he put them all into his pocket. Deponent got hold of his hand and said he should not have them, but that he would give him copies. Acie said copies would not do and if deponent would not let him have them, he would tear them in pieces. While they were talking in the yard, Richard Holmes and Thomas Tenny, sr., appeared, they both belonging to the ox-pasture, and they persuaded him to return the papers, until at length he gave back what he saw fit and carried away those that were fairly transcribed, and also one of the original papers. Sworn, June 29, 1674, before Daniel Denison.†

John Acie deposed. Sworn in court.

John Johnson and Richard Holms deposed. Sworn, June 29, 1674, before Daniel Denison.†

*Writ: Daniell Wicum v. John Pickard and Abraham Hasseltine; for illegal seizing of a gate and a half in the east end ox-pasture by execution, which was taken out against Thomas Remington by John Pickard, said gate having been bought by Daniell Wicum of Remington, which was all the right the said Remington bought of John Tenny; dated June 24, 1674; signed by Robert Lord,† for the court; and served by Jeremiah Elsworth,† constable of Rowley, by attachment of the houses of defendants.

Copy of the execution, dated Apr. 23, 1674, and served by Abraham Hasseltine,† deputy marshal. The appraisers, James Bayley and Marke Prime, valued the gate and a half at 12li., and on Apr. 28, 1674, the marshal gave possession to John Johnson by turf and twig.

Jno. Pickard's and Abram Hezeltine's bill of cost, 1li. 9s. 6d.

Thomas Remington† certified that he sold his rights in the gate to Daniell Wickam, and promised to give him a deed as soon as he could find what right he had. Also that Capt. Samuell

† Autograph.

Broklbanke and Samucl Platts were witnesses. Sworn before Samuel Symonds,* Dep. Govr.

Daniell Wicam* and John Acie* deposed that they went with Thomas Remington to John Jonson's when he tendered cattle to satisfy judgment of 10li., he and his boys driving oxen into the yard. "John Jonson smiling said I haue no need of y^e pay at present I had Rather that you wood stay till may or thereabouts: then Replyed John Acie that may proue a trappan to thomas Remington for by this you will gaine tim and soe Com with your execution some time when Cons: Remington is not at home and serue it on his house and land or Something that he can spare as badly as the gate and quarter: John Jonson Answered and said if I had been forward to take out an execution I might a taken one out before Now: well said goodman wicam if you will ingage and promise before these folkes that their shall noe execution Com against thomas Remington upon the account of the Judg[ment] aboue writen of the ten pounds with the Court charge Relating to the action of the gate and quarter: we will take the cattell away again and pay you at the day appointed: which is may day or their abouts: what a dow make you said goodman Jonson: I thought wee had doon before I haue promised you oft anough: but said goodman wicam when goodman pickard Comes he will perswaide to one knauish trick or other for you are not your owne Counceller well said goodman Jonson I doe promis you before these folkes that their shall No execution Com against Thomas Remington about this action you make soe much adow about and that Thomas Remington shall com to noe Damage by taking the cattell againe soe that he pay me any time between this and the beggining of May." This promise was made Apr. 16, 1674. Sworn in court.

Samucl Brocklebanke* and Samucl Platts* deposed that they appraised, Apr. 25, 1674, the two pair of oxen at 10li. 17s. per pair, and one cow at 3li. 10s. Sworn, June 29, 1674, before Samuel Symonds,* Dep. Govr.

Philip Nelson and John Acie deposed that at a meeting of the proprietors of the ox-pasture, they heard Goodman Johnson say that he was willing to give them the 10li. that he was to have of Remington if they would sell him one gate. He also brought a paper under Mr. Philips's hand, in which he certified to the same. Sworn in court.

Thomas Tenny, sr., and Richard Holmes of Rowley deposed that when John Acie was accused of taking the papers, he said that church members would lie and swear to anything, etc. Sworn, June 29, 1674, before Daniel Denison.*

Jonathan Moores, aged twenty-eight years, and Sarath Longhorn, aged about fourteen years, deposed that being at their

* Autograph.

Hen. Bennett v. Moses Pengry. Review. Withdrawn.*

John Porter, sr. v. Jon. Porter, jr. Verdict for defendant.†

uncle Jonson's house on Apr. 16, 1674, etc. Sworn, June 29, 1674, before Daniel Denison.‡

Samuell Brocklebanke and Samuell Plats deposed that the affair was talked over at a church meeting, as to who had been wronged, etc. John Pickard said if there was any blame, to lay it on him. According to their understanding of the transaction of the town in the selling of gates, there was nothing intended but herbage for a beast, except in sales wherein privileges and appurtenances were expressed, but that wood and stones and all kind of minerals are accounted common. Leonard Herriman testified to the same. Sworn, June 29, 1674, before Samuel Symonds,‡ Dep. Govr.

John Johnson‡ deposed concerning his brother John Pickard, etc. Sworn, June 29, 1674, before Daniel Denison.‡

John Acie deposed. Sworn in court.

Abraham Heseltine,‡ John Sawyer‡ and John Pickard, jr.,‡ testified that upon training day at Rowley, John Acie called Abram Hezeltine a lying church member several times, and Daniel Wicam, who was present said that if all the church members who told lies were cast out of the church, there would be few left, etc. Sworn, June 29, 1674, before Daniel Denison.‡

*Writ, dated June 23, 1674, signed by Robert Lord,‡ for the court, and served by Simon Stace,‡ deputy for Robert Lord,‡ marshal of Ipswich.

†Writ: John Porter, sr. v. John Porter, jr.; forfeiture of a bond of 500li.; dated June 8, 1674; signed by Hilliard Veren,‡ for the court; and served by Henery Skerry,‡ marshal of Salem. Bond of John Porter, jr.‡

Agreement, dated Nov. 30, 1670, between John Porter, sr.,§ and John Porter, jr.,§ to leave their differences to arbitration: "Whereas there hath occasionally fallen out seuerall differences betweene y^e said Father & his said sonne, & particularly Concerning a necke of Land Commonly Called Skeltons necke, Now the parties aboue named haue mutually agreed and doe by these p^rsents agree to refer all differences that are or at any time haue beene betweene them, y^e said father & sonne, & in p^rticular that of y^e said necke of land, Called Skeltons necke — to the hearing and determination of M^r Richard Collicutt, and m^r William Bartholmew, both of Boston, & whatsoeuer the said Arbitratours shall agree on and determine in all y^e differences aboue specified, they giueing in their Award within one weeke after y^e date of these p^rsents, wee the said John Porter senior & John Porter

‡ Autograph.

§ Autograph and seal.

William Merriam and Nathaniell Ballard were sworn constables for Lin.

Henry Bennett v. Benjamin Morgaine and Joseph Morgaine. Debt. Verdict for plaintiff.*

Thomas Bowen v. John Legg. Verdict for defendant.†

junior, doe bind ourselues our Seuerall heyres, Executours & administrators under the penalty of Fieue hundred pounds," etc. Wit: Moses Mavericke.‡

John Torner,‡ Henry Bartholmew‡ and Richard Prince‡ deposed. John Torner made oath before Wm. Hathorne,‡ assistant, and the others were sworn in court.

Josep Day, aged about twenty-five years, and Michael Derick, aged about eighteen years, testified that the last May they saw John Porter, jr., cut and pull down his father's fence on Skelton's neck. Sworn in court.

Award of the arbitrators, dated Dec. 2, 1670, and signed by Richard Collecott‡ and William Bartholmew:‡ that the whole estate belonged to the father and as to the son's claim of a child's portion, they awarded to the said son 150li., to be paid by John Porter, sr., at his now dwelling house which was to end all differences between them. Wit: Walter Price‡ and Richard Prince.‡

Nathaniell Felton‡ and Richard (his mark) Leech, being chosen to appraise the estate of 150li., testified that it was tendered in specie upon Dec. 2, 1671, but John Porter, jr., refused to accept it. Sworn, 22 : 1 : 1671-2, before Wm. Hathorne,‡ assistant.

Michael Derich, aged about seventeen years, and John Burrowes, aged about twenty-one years, deposed that several times the past summer they saw John Porter, jr., pull down his father's fence and at one time took several lengths of rail fence and carried it to a heap and burned it. They had also seen him cut down some trees on his father's land. Sworn, 25 : 1 : 1672, before Wm. Hathorne,‡ assistant.

*Writ, dated June 23, 1674, signed by Robert Lord,‡ for the court, and served by Henery Skerry,‡ deputy for Robert Lord,‡ marshal of Ipswich, by attachment of the house and land of Benjamin Morgan's and a brass kettle of Joseph Morgan's, and "read the attachment at y^e house to his wife & mother."

Henry Benitt's bill of cost, 1li. 14s.

Bond, dated Nov. 27, 1672, given by Benjamin (his mark) Morgin and Joseph (his mark) Morgin of Beverly to Henery Benitt of Ipswich, for 9li. 15s., to be paid in money, malt, wheat and pork. Wit: Walter Fayerfield‡ and Robert Lord, jr.‡ Sworn in court.

† Writ: Thomas Bowing v. John Legg; for many years

‡ Autograph.

unjustly and forcibly detaining for his own use a parcel of land containing four acres in Marvellhead, which belongs to plaintiff, as by bill of Bowen appears; dated, Boston, June 24, 1674; signed by Jonath. Negus,* for the court; and served by Richard —,* constable of Marblehead.

Bill of sale, dated June 12, 1674, given by Robert (his mark) Elwell of Gloucester to Thomas Bowen of Marblehead, certifying that he had sold the said land about twenty-eight years since to said Bowen and gave him possession. Wit: John Emerson* and Peter Duncan.* Sworn in court.

Thomas Bowing's complaint to the court: that when he saw Legg begin to build a dwelling house on this land, he took a friend with him and said "John Legg this is my Land yt now you are abuilding vpon; & it may be one of my Sons for ought you know." Legg then railed at him, called him base names, as "pitiful beggarly rogue and rascal," etc.

John Peach, jr., aged about sixty years, deposed that being a selectman, he went to look at the bounds of this land, and Bowen told him that he had sold it to John Legg. Sworn in court.

Samuell Hudson, aged about twenty-four years, deposed that about six years ago, he heard a difference between John Legg, jr., and Thomas Bowing concerning the land that John Legg lives upon. Further that "Thomas Bowing tould legg thatt hee beult A House for one of his sons," and later deponent heard John Legg say that his father never bought any land of Bowing, but of Bowing's wife and he paid Mr. Johnson a cow for it, that is, the land upon which John Legg's house stands. Sworn in court.

John Legg's bill of cost, 2li. 16s. 8d.

Joseph Benett, aged fifteen years, deposed that he heard his master John Legg say to his dame Legg that he had been with Goody Bowing and asked her whether she had sold the lot and she said no, and she asked him what he would give for it and he told her a cow and one pair of shoes. Further deponent was driving cows by the shop of John Legg about two weeks ago, when said Legg called him into the shop and said that he heard that he was going to swear against him, but deponent said he would not if he could help it. Deponent said that Samuell Rowland would make him swear, but Legg said he would clear him from said Rowland. Sworn, 1 : 5 : 1674, before Wm. Hathorne,* assistant.

John Clemons, aged about sixty years, deposed that John Legg, sr., had owned this land for twenty-two years, etc. Sworn in court.

Benjamin Parmitor, aged about sixty-three years, deposed that it was nineteen years since John Legg, sr., laid claim to this land for which he paid a cow to Mr. Francis Johnson. Also when

* Autograph.

Mr. Hutson Leveritt, upon acknowledgment of his speaking rash words tending to the defamation of Jon. Peach, the latter was satisfied.

Philip English v. Richard Hollingworth. Debt. Verdict for plaintiff, to be paid in fish.*

Bowing told Legg that he did not sell him the land, Legg threatened to put him in jail and Bowing dared him to do it. Sworn in court.

Hennory Stase, aged about sixty years, deposed that Bowing possessed Robartt Ellwell's land after the latter left town. Sworn in court.

Henenry Codner,† aged about twenty-four years, deposed. Sworn, 23 : 4 : 1674, before Wm. Hathorne,† assistant.

John Bartell, aged about forty-three years, testified that John Legg, sr., deceased, etc. Sworn in court.

Abraham Whettcher, aged about seventy-six years, deposed. Sworn in court.

Christopher Lattemore, aged fifty-two years, deposed that he being a selectman, etc. Sworn in court.

Samuell Morgan, aged about thirty-six years, deposed that Legg said he had possessed this land for thirty-seven years. Richard Norman, aged fifty years, deposed the same. Sworn in court.

William Neck and Alc. Peach, aged forty-two and fifty-seven years, deposed. Sworn in court.

Ellen Stacie, aged about forty-one years, deposed that this land lay very near her land, etc. Sworn in court.

*Writ, dated May 21, 1674, signed by Hilliard Veren,† for the court, and served by Henery Skerry,† marshal of Salem.

Letter of attorney, dated June 16, 1674, given by Philip English† of Salem, seaman, to Henry Skerry, sr., of Salem. Wit: William Lake† and Hilliard Veren, sr.† Allowed in court.

Mary Hollingwood, aged about twenty years, deposed that Philip English sold Richard Hollingworth a hogshead of brandy, containing 84 gallons for 4s. p gallon, to be paid in fish when he came from the eastward, he being then bound for the eastward. Sarah Barret deposed the same. Sworn, 1 : 5 : 1674, before Wm. Hathorne.†

Matthey Nixson, aged above fifty years, deposed that when Hollingwood returned, he said he had not fish enough to give him. Sworn, 17 : 4 : 1674, before Wm. Hathorne,† assistant.

Mary Beckett, aged about nineteen years, deposed that being at William Hollingworth's house, etc. Sworn, 1 : 5 : 1674, before Wm. Hathorne,† assistant.

† Autograph

‡ Autograph and seal.

Mr. William Browne, sr. v. Nicholas Manning. Debt. Verdict for plaintiff.*

* Writ, dated June 22, 1674, signed by Hilliard Veren,† for the court, and served by Henery Skerry,† marshal of Salem.

Bill of cost, 1li. 13s. 6d.

John Appleton† certified, 15 : 4 : 1674, that when they reckoned with Mr. Manning, he made no objection to the steers, nor against the account, only about the steel, and they looked in the waste book and found that it was delivered to him, also much liquor. As for the brandy, deponent delivered much of it to his family. Sworn in court.

Nicholas Maning is Debtor, 1671, 15 : 12, Ballance, 15li.; 17 : 1 C nayls, 12d., 1 peck sault, 2li., Tobacco, 2s. 10d.; 21 : pips, 2d., 1 C nayls, 15d., 1 pt. Brandy, 2s. 5d.; 5 : 1 : 29li. spa Iron, 1 pt. Brandy, 1 pt. Brandy, 9s. 3d.; 13 : 2 : 1 C. 1 qr. 10li. Iron, 2 C. nayls, 12d., 45 foot Boards, 1li. 2s. 10d.; 25 : 32 foot Board nayls, 14d., 3s. 6d.; 6 yd. Karsy, 10s., thrid, 4d., nayls, 4 1-2d., 3li. 8 1-2d.; 1 : 3 : 1-2 barll. Salte, 1 pt. Brandy, 1-2 Ell Canvis, 2s. p. yd., 3s. 11d.; 3 : 3 : 5 oz. whalbone, thrid, 3d., 1 hatt & band, 8s. 6d., 9s. 2d.; 7 : 1 qt. Vinegar, 14li. 1-2 spa Iron, 4s. 1 1-2d.; 13 : 6 C. 20li. Topisfd Iron, 1 pt. Brandy, 7li. 9s. 2d.; 27 : 1 peck wt. salte, 1 C. 9li. Spa Iron pins, 18d., 1li. 12s. 9d.; 6 : 4 : 4li. 3-4 steel, 3 yd. 1-2 Karsy, 10s. p., silk, 11d., 2li. 8d.; 20 : 4 : thrid, 4d., 1 qt. Vinigar, 1 pt. Brandy, 2s. 4d.; 2 : 5 : 1 qt. Brandy, 25 1-2li. flax at 14d., 1li. 11s. 9d.; 12 : Earth Ware, 15d., 2 yd. Coll. Cloth, 4s. p., 9s. 3d.; thrid, 2d., 5-8 yd. Cotton Cloth at 4s., 2s. 8d.; 14 : thrid, 8d., 1 pt. Brandy, Earth ware, 14d., 2s. 10d.; 20 : 1 pt. Brandy, 1 pt. Brandy, 1 qt. Brandy, 4s.; 1 : 6 : 2 Sythes, 9s., 1 Rubb stone, 4d., 9s. 4d.; 5 : 1 pt. Brandy, 1-2 C nayls, at 2s. 6d., manchester, 1d., 2s. 4d.; 2 qt. 1li. Spa Iron, 1 pt. brandy, 1 Rubbstone, 4d., 15s. 7d.; 14 : pd. Danll. Boarman, 12s., 1 pt. brandy, 13s.; 24 : 1 pt. brandy, 2 qt. Vini-gar, 1 qt. Brandy, 3s.; 5 : 7 : 1 pt. Brandy, 3 C nayls, 4d. p., 2 yd. Wodmill, at 5s. p., 12s.; 11 : 1 qt. Brandy, 1 Sickell, 22d., 3s. 10d.; 20 : 1 pt. Brandy, 1 pt. Brandy, 2s.; 2 bus. Indian, 6li. suggr., 2 pr. stockings, 14s. 8d.; 27 : 7 : 1-2 bus. salt, 31li. spa. Iron, 9li., 5 oz. steell, 17s.; 1 : 8 : 1 pt. Brandy, 17 oz. Steale, 3 yds Karsy, 7s. 6d., 1li. 4s. 7d.; 28 : 2 doz. buttens, thred, 3li. soape, 3s. 1d., 31 : 2 yds. Canvis, 2s. p. pd. Wm. Nichols, 2s. 6d., 6s. 6d.; 5 : 9 : 1 yd. Canvis, 22d., 1 yd. 1-2 Karsy, 6s. 6d. p., 11s. 7d.; 14 : 16 1-2li. spa Iron pd. Jno. Martinn, 9s. 7d.; 15 : 1 pt. rum, 1 barll. salte, 22 1-2 hoggs. Sewitt, 12s. 3d.; 23 : 9 : 649 foot Boards, erthen ware, 8d., 2li. 2s. 10d.; 9 : 10 : 42 spa. Iron, 1 1-2 yd. Cotton, 3s. p., thrid, 2d., 15s. 2d.; 25 : 3-8 yd. Karsy, 9s., 2 1-2 yd. red Cotton, 4s. 2d., per, 13s. 9 1-2d.;

† Autograph.

Sara Juet, attorney to her husband Jeremiah Juett, and Phillip Nelson, executors v. Mr. Edw. Rawson. Withdrawn.*

Richard Meeke acknowledged judgment to Mr. Christopher Lattamore.

Court ordered that what goods one Elizabeth Clenge had left in the custody of Richard Sibly, be secured until the next Salem court.

Mr. Ed. Rawson and Mr. Bozoone Allen were allowed costs in an action brought by Sara Juett, who did not prosecute.

Hanna Hutchesson, for breaking into the house of Wm. Blunt on a Lord's day and stealing several things, was sentenced to be branded and severely whipped.†

29 : 11 : 1 qt. rum, 18d.; 1 qt. Vinigar, 3 pt. rum, 4s. 4d.; 1 pt. rum, 1 yd. 3-4 Canvis, 1 Spr. Locke, 6s. 9d.; 22 : 12 : 2 Iron Latches pd. Steph. Johnson, 1li. 4s.; 29 : 1 : 1 qt. Brandy, 1-2 bar salte, 1 qt. Vinniger, 7d., 4s. 7d.; 22 : 3 : 1 pt. brandy, 2 qt. brandy, 5s.; pd. Hen. Kimble for 2 steers, 7li.; 17 : 5 : 1 qt. brandy, 1 qt. brandy, 1 qt. Vinigar, 7d., 4s. 7d.; 20 : 6 : 1 pt. brandy, 1 pt. brandy, 1 pt. rum, 2s. 9d.; 2 : 7 : 2 pt. brandy, 3s.; 9 : 7 : 4 Chaldron Coales, 1 peck salte, 7li. 1s.; 13 : 8 : 2 pt. Brandy, 1 qt. Vinigar, 2s. 7d.; 19 : 9 : 1 pt. Brandy, 1 qt. rum, 1 qt. Brandy, 4s. 6d.; 17 : 1 bar salte pd. Jno. Hathorne, Linn, 19s.; total, 64li. 11s. 9 1-2d. Recd. in worke per myselfe & other men to ye 16th June 1674, 30li. 3s. 9d.

*Writ, dated 23 : 4 : 1674, for prosecuting for the forfeiture of a bond of 1,500li., and casting the case against them by defendant's testimony, signed by Robert Lord,‡ for the court, and served by Rich. Wayte,‡ marshal of Suffolk. Bond of Edward Rawson.‡

Summons, to Mr. Edward Rawson of Boston, dated 23 : 4 : 1674, and signed by Robert Lord,‡ for the court.

‡William Blunt's bill of cost against Hannah Hutchenson, wife of Samuell Hutchenson: for my owne Attendance with my Horse, 8s.; constable, 15s.; 6 pounds of Sugar at 6d. p pound which Hanah Hutchenson stoalle, 9s.; mony stolen, 6s.; sume Childebeead lining worth about 5s., and about 1-2 pinte of Rum, 15s. 9d.; total, 2li. 13s. 9d.

Simon Bradstreet‡ certified, 29 : 4 : 1674, that Willm. Blunt bound himself to prosecute Hanah Hutchinson at the next Salem court, for burglary and theft.

Examination of Hanah Hutchinson, taken 29 : 4 : 1674, by Simon Bradstreet,‡ assistant: she acknowledged that yesterday being the Lord's day, she went into the house of Wm. Blunt of

‡ Autograph.

Whereas there was some land to be divided by the will of Tho. Flint, deceased, to his sons Tho. and Joseph, and it being not yet divided, court appointed Lt. Tho. Putnam and John Pickering, together with one whom said Thomas was to choose, to see it done.

Complaint being made against Nathll., Samll., and Tho. Leonard by Hanna Downing for several misdemeanors and lascivious carriages proved against them, but several of the charges having been proved several years since, court sentenced them to be whipped or pay a fine. They were also bound to good behavior.*

Andover, at the window which she said was open, and stole sugar, linen and some rum which she drank.

Warrant, dated 29 : 4 : 1674, for the committment of said Hannah to Salem prison, signed by Simon Bradstreet.† Samuel Martin,† constable of Andover, appointed Samuell Frie his deputy. No return made.

Search warrant, dated 28 : 4 : 1674, signed by Simon Bradstreet,† and returned by Samuel Martin,† constable of Andover, who found at the house of Samuell Hutchinson one double clout and a child's bed which Blunt owned.

*Warrant, dated June 16, 1674, signed by Samuel Symonds,† Dep. Govr. Robert Lord,† marshal, appointed Symon Stace, his deputy to serve it.

Bill of cost of Robert Lord, 1li. 5s.

Hannah (her mark) Downing's complaint: that the Lenords had on many occasions annoyed her when she was in bed, kicked her and struck her several times until she thought they would kill her. She told their father and mother and they would not believe it, and complainant was "afraid that thay would kille mee if the athoriaty dos not take some corse with them." Said Hanna gave bond to Samuel Symonds,† Dep. Govr., to prosecute.

Samuel and Thomas Leonard were also bound, with Thomas Baker as surety.

Bill of cost, 5li. 4s. 2d.

Jno. Hounkin deposed that he living at the house of Henery Linnard the last winter, never saw any miscarriage by Samuell nor Thomas Linnard toward Hannah Downinge, but that she went abroad at unseasonable times in the night and did not come home until it was almost day. Also at sundry times she used to sit up almost all night with fellows who came to the house. He told of her unbecoming conduct with Benjamin Bigsbee and of her lying upon the boy's beds so that they had

† Autograph.

to get her up to go to bed. Further that her dame took great care to prevent sin and that she often arose in the night to chide said Hannah for her carriages. Samuell Linnard also chided her and told her that he marvelled that any man would want her. Once when reprimanded, she went away and said she had been with Joseph Biggsbee all day. Jno. Tarball and James Caddy testified to the same.

Samuell Lenard's answer to the complaint: that it was made out of malice and not conscience and "I thank god Shee neuer had any Cause from me as Shee herselfe well knowes;" that she had been a person of very scandalous carriage; that he had told her often of the evil of her night-walking; that his carriage to her was always very austere; that to save herself she made this false complaint, etc.

Sarah Bates deposed that she saw the Leonards abuse said Hannah and pull off her head-cloth, etc. Sworn, June 23, 1674, before Samuel Symonds,* Dep. Govr.

Elizabeth Looke deposed that Thomas Lenard came to the bedside where she and Hannah lodged, and the latter cried out to her master, who told her that she belied his son, "it is David Inden or sombody else." Sworn, June 23, 1674, before Samuel Symonds,* Dep. Govr.

John Gould deposed that he saw Samuel and Nathaniel Lenord come naked upon the dam, and when Goodwife Blake came over the dam, said Samuel spoke and acted indecently, etc. Sworn in court.

Macam Douneing deposed that he came to Leonard's to see his daughter when her master and dame were not at home. At night Samuel lodged in the bed which his father occupied, and deponent sat up to smoke. He later heard Samuel in the girl's room and went and told him "I did not like such doing: and so I lodged in yt bed my salfe and Samuell lodged in ye Chamber." Sworn, June 23, 1674, before Samuel Symonds,* Dep. Govr.

Mary Leonard, aged about forty-nine years, deposed that this spring "a little before Election I went downe to Lynn & had with mee my son Thomas & Hannah Downing & was late & benighted & would || haue || turned Inn by y^e way vnto the house of one Welman: & this Hannah would not be perswaded to stay, but would goe on thorow the woods in y^e night whateuer I could say of the trouble of y^e way & tearing clothes but would goe with my Sonn Thomas which if hee had offred her such abuse as she speaks off was a very bold attempt: but shee would not bee perswaded so I was forced to goe on a most uncomfortable Journey vntill midnight, but as for my son Thomas, he desired not to goe but was willing I should turn Inn to a house & stay & hee would stay with mee."

Samuel Symons deposed that "I being at Mr. Lenord's hous

* Autograph.

with Ed. Bridges when Doctter Tayler was there wee see Docter Tayler and m^r Lenord and m^{rs}: Lenord and a litel gerele goe all togather up towards y^e Long plaine and about halfe a nouer after y^e sd Deponit went vp that way towards y^e vilige and hee did mete m^r Lenord and his garle at y^e hether end of y^e plaine a Coming home all alone them tow: I seeing them goe all to gather and mete none but them tow Coming home: I did wonder and y^e plaine being easely seen all ouer I did Looke to see and if I could see Doctter Tayler and m^{rs} Lenord but I Could not see them. Sworn in court.

Elizabeth Symons deposed concerning what Elizabeth Looke said about her own condition, when she lived with John Curtis and Mr. Lenord. Deponent also testified that Samuell Lenord came to her house and asked her for some beer and she went into the cellar to draw some beer for him. He followed her and tried to kiss her, and she said "there is maides a noufe for y^e" to kiss and not to Come to kise married woeman," and then he struck her a blow on the small of her back, "and when I came up I sayd surely Samuell Leonard is fuddled." Sworn in court.

Grace Andras, aged about sixty years, deposed that Elesibeth Boungkir being at her house in bed with deponent's daughter Sary, Thomas Linnard came there and annoyed them all night, so that they could not sleep. Sworn in court.

John Tarbell and James Cady deposed that they witnessed improper carriages between Hanah Downen and John Everat at Ensign John Goold's house, etc.

Sarah Bixby* deposed that Henery Leonard and his wife, being at her house, said that Hannah Downing was a good maid and would make a poor man a good wife, for she could spin woolen, cotten and linen and could sew very well. Further that said Hannah's friends were ignorant people, but they hoped she had more knowledge, having been brought up in their family.

Goody Bates, wife of Robert, deposed concerning what happened when Elisabeth Look was at the latter's brother Cortises, etc. Sworn in court.

John How, aged about thirty years, deposed that Goody Lenard said that Mr. Tailer came to her house and she went with him into the woods to look for Solomon seal. Also that said Tailer lodged one night at their house and laid in the bed in the parlor, and she laid in the trundle bed and her husband in the chamber, etc. Sworn in court.

Hanah Pabody, aged about thirty years, deposed that Samuuel Lennard and two others of the family came to her house as they went by to dig mine and spent much of the day there. Samuell took her child out of her arms by force and laid it in the cradle, etc. Then she said to her little boys, "ware is your father?" and said Samuell let her alone. Sworn in court.

* Autograph.

Faith Blacke, aged twenty-nine years, deposed that Thomas Lenord came to her house, into the room where she was, shut the door, drew out the latch string, and behaved very uncivilly until her children came to the door and interfered. Sworn in court.

Robert Bates and Sarah, his wife, who had lived in the house at the iron works with Mr. Leonard the past winter and until very lately, etc. Sworn in court.

Robert Androus, aged about twenty-five years, deposed that he was at the iron works with others at Rowley Village and they went into the water in the pond. Then Mr. Tailer and Mistriss Lenord came down to the side of the pond and sat down. The Lenords came out of the water naked and ran races, etc.

Faith Black deposed that Nathaniel Leonard said he went to Benj. Murries and the old devil was at home, and when deponent spoke to him for talking so vilely, he said he would not care if he were in hell a fortnight, and he did not care if the devil plucked the soul out of him, and a pox take him, he did not care. Sworn in court.

Mary Leonard, aged about forty-nine years, deposed that they were very lying girls, etc.

Edmond Bridges, aged about thirty-nine years, deposed that about three years since, Mr. Taylor, apothecary, and Henry Lennord and wife Mary went into the woods to gather Solomon seal, etc. Sworn in court.

Joseph Bexby, aged fifty-four years, deposed that he was in Lenord's house in the early morning when Mrs. Lenord was dressing and there were several men in the room. Also that he had seen her sitting by the flume or pond-side when her sons and other men were swimming and washing themselves and some of the men who were more modest than the rest were forced to creep up into the bushes and others put on their shirts in the water, letting them fall down by degrees as they came out. The Lennord's had "used very bad words, as Diuell & Damn yee & many words which I haue been ashamed to heare; which wicked Expressions haue been very Freequent wth them." Sworn in court.

Mary Leonard deposed that Edward Bridges came to the works after Hannah Downing had complained and advised them to go away, draw out the iron and dispose of it, for he said "they would neuer leaue vs till they had vtterly Routed vs." Some of the family said they would not stir for they had done nothing for which they should hide, but deponent said she was sorry that her husband was gone. Bridges further said that he never fancied Hannah Downing, and she was a bold, baudy-spoken thing.

Zacheas Courties testified.

Mary Leonard, the mother, for several uncivil carriages, was admonished. Bill of cost brought in by Ensign Goold, Ed. Bridges and Marshal Lord was allowed.*

Ruben Guppy was convicted for publishing a reproachful scandalous report of Mr. Higginson, and although he pretends to have received it of another, yet he not only published it but credited the scandal, to the defamation of the reverend pastor. He was to make acknowledgment in the open congregation on the next lecture day in the audience of the assembly, that he had done sinfully and wickedly in publishing the scandal and that he openly craved pardon of Mr. Higginson, and that upon neglect to do this, he should be whipped with fifteen stripes on the next lecture day after, also that he give bond for good behavior.†

Thomas and Henry Leonard testified that they found Benjamin Bigesby and Hanah Downen in the forge, etc. Sworn in court.

*Daniell Bexbey deposed that he had several times heard Goody Lenard use bad language and sing indecent songs, etc. Sworn, July 2, 1674, before Daniel Denison.‡

†Writ, dated May 25, 1674, signed by Hilliard Veren,‡ for the court, and served by Henery Skerry,‡ marshal of Salem.

Elizabeth Deane, aged about thirty-one years, deposed that she heard William Godso say that while he was a servant at Capt. Corwin's, he heard Mr. Higginson make a great complaint to the mistress that he had no wheat to eat, whereupon his mistress sent him to Mr. Higginson's house with two bushels of wheat. Being sent up into the chamber with it at Mr. Higginson's, he found the room so full with things that had wheat and other grain in them that he could not find a place to put it, but was forced to shoot it out upon the floor. Sworn, 30 : 4 : 1674, before Wm. Hathorne,‡ assistant.

William Noyce, aged about twenty years, deposed, Nov. 26, 1673, that last September, Ruben Guppy, sr., being at deponent's master Lake's house, told them that he would tell them a story that would make them laugh. That there was a man in a black coat came to Capt. Corwin's house and complained that he had no corn or meal and could not tell where to get any. Thereupon old Mrs. Corwin sent to Mr. Higginson's two bushels of wheat by William Godsoe, etc. "I this deponent said, that William Godsoe was a quaker & therefore not to be beleaved, then he the said Guppy said he would beleave him rather, or as soone as m^r Higginson, besides he did further report seuerall reproachfull

‡ Autograph.

Obadiah Wood, accused by Mary Tarbell for uncleanness, and there being several witnesses who could not be obtained at present, was bound over to the next Ipswich court. Samll. Hunt was surety for said Mary, and Henry Benett and John Sparke, for said Obadiah.

Theophilus Baily had his former license renewed for selling strongwater by retail as formerly.*

Whereas there is a complaint made to this court that Nathl. Hadlock "doe liue an Idle & profuse kind of life wandring up & downe, wasting & spending his estate, whereby his wife does much suffer & like to come to misery," court declared that all persons for time to come shall neither buy nor sell nor bargain with him anything that was of his wife's estate until court gives further order, upon his reformation in the course of his life. Remember, his wife, or any of her friends were encouraged to use their best endeavor to secure the estate and he was not to molest her therein.

Edw. Richards was licensed to draw strong beer, cider and sell cakes according to the request of the selectmen of Lyn.†

things of m^r Higgenson which he did afirme to be true." Sworn, June 26, 1674, before Edward Tyng,‡ assistant.

William Lake‡ and William Noyes‡ deposed, Nov. 26, 1673, that Ruben Guppy said that there was a man in a black coat "came to Capt. Corwin's hous when he was last att marshfeild," etc. He repeated the same story and said Lake told Guppy that it could not be, for Mrs. Corwin was then abroad with the Captain, etc. Sworn in court.

John Marston, jr.,‡ aged thirty-three years, deposed that Reubin Guppy came to mill and of his own voluntary will said that Mr. Higginson went to the old gentlewoman, Mrs. Corwine, and complained that he had not bread to eat. Owned in court by Ruben Guppy.

William Marston, aged about fifty-two years, deposed. "Testified in y^e presence of God," 2 : 5 : 1674, by Wm. Hathorne,‡ assistant.

*Petition, dated Lynn, 15 : 4 : 1674, for Theophylus Bayly to be granted a retailer's license, signed by the selectmen of Lynn, Rich. Walker,‡ Thomas Marshall,‡ John Fuller,‡ William Bassett,‡ John Burrill,‡ Thomas Laughton, sr.,‡ and Thomas Newhall.‡

†Petition, dated Lynn, 23 : 4 : 1674, from the selectmen of Lynn, Thomas Laughton,‡ Rich. Walker,‡ Thomas Marshall,‡

‡ Autograph.

Goodman Boreman of Topsfeild was released from common training.

Richard Norman, Christopher Lattamore, Goodman Edmonds, Mr. Gedney and Mr. Gardner had their former licenses renewed.

Mr. Steephen Haskett, Mr. John Higgenson, Mrs. Moses Maverick, Mr. John Gedney, Mr. Wm. Browne, jr., and Mr. John Corwin had their licenses renewed for retailing strong waters.

Whereas one John Smith, now deceased, was formerly fined 40s., upon petition of his wife, who was left a poor widow and in want, court remitted the fine.*

The wife of Robert Steephens, of Marblehead, for committing fornication before marriage, was sentenced to be whipped or pay a fine.†

Mr. John Hathorne of Lynn had his former license renewed.

Jon. Sanders was allowed costs against Hanna Browne, attorney for her husband, John Browne, who did not prosecute.

Court being informed that Christian Marshman about five weeks since went away from her master, William Seargent's house, into the woods and there was delivered of a child, said Marshman confessed that she went into the woods and three days thereafter was delivered of a dead child, which she left in the woods. Her master expressing doubt as to her alleged condition, court committed her to prison, and ordered that she be examined by several sober and grave women, who returned that she had not been in such condition. She was ordered to go home with her master to await further order of the court.‡

John Fuller,§ William Bassett,§ John Burrill§ and Thomas Newhall,§ for a license to be granted Ann Richards. "Edward Richards haue his liscence granted according to the above writen."

*Petition of the widow Smith.

†Richard Rieth, aged about thirty-seven years, deposed that the wife of Robertt Stevens of Marblehead, fisherman, had a child about five months after marriage. Sworn, 25 : 9 : 1673, before Wm. Hathorne,§ assistant.

‡The several things that Christian Marshman had stolen: one silke hode, 7s.; 2 white holand hods, 4s.; 2 quoifes, 3s.; 2 hedbands, 1s.; one tify skarfe, 2s. 6d.; one pare of thriden gloues, 3s.; one holand whicsk, 3s.; 2 handkerchars, 4s.; one pilabar of holand, 5s.; one apell box, 1s.; one pare of holand sleeves, 2s.; 4 dresings, 10s.; 2 Caps, 1s. 6d.; one pare of stock-

§ Autograph.

Nathaniell Leonard, for abusing the marshal in the execution of his office and striking him, was fined and bound to good behavior. Nathaniell Leonard and Ensign John Goold bound.*

John Deverix, Cristover Lattimor, Thomas Pittman, Nathanill Waltown and Richard Rith, all of Marblehead, were made freemen.†

Timothy Somes and his wife, for fornication before marriage, were sentenced to be whipped or pay a fine.‡

ings, 2s. 6d.; one yard 1-2 of blacke riben, 4d.; 2 silver bodkins, 5s. 6d.; total, 2li. 15s. 4d. These things were ordered 29 : 2 : 1674, into Wm. Sargant's hands, and said Marshman was to be released from prison, there being 7s. 6d. due to the keeper, by order of Wm. Hathorne,§ assistant.

Elizabeth Bartholmew,§ Ann (her mark) Cromwell, Margery (her mark) Williams, Bridget Rix§ and Sarah Browne§ testified, 30 : 4 : 1674, that they searched her, etc.

*Sarah Bates deposed that when the Marshal Lord was at the works to take execution and to serve a warrant upon Samuel, Nathaniell, Thomas and John Lenord under hand of the Right Worshipful Mr. Symons, Dep. Gov., John Lenord was in the house hidden all the time. Jeremiah Hood affirmed that said John was in the house when the marshal got upon his horse at the house to come away and he saw said John come out of the chamber. Sworn, June 23, 1674, before Samuel Symonds,§ Dep. Govr.

Bill of cost, 13s.

Warrant, dated Apr. 28, 1674, signed by Samuel Symonds,§ Dep. Gov.

†At a session of the General Court, at Boston, May 27, 1674, in answer to the petition of the selectmen of Marblehead, "it is ordered that such persons as from time to time shall be Approoved by the Selectmen of marblehead & County Court of Salem shall be by the said Court Impowred to act in all Toune affaires as if freemen vntill this Court take further order." Copy made by Edward Rawson,§ secretary.

Moses Mavericke,§ Saml. Ward§ and Ambros Gall,§ selectmen of Marblehead, July 2, 1674, petitioned to the Salem court that according to order of the last General Court, they approved of Mr. John Devereux, Mr. Lattimore, Ensigne Norman, Sergt. Morgan, Thomas Pitman, Richard Rith, Nathaniell Walton, John Peach, sr., John Peach, jr., Erasmus James and John Legg.

‡William (his mark) Vinson, aged about sixty-five years, deposed at Gloucester, Nov. 22, 1673, and Clement Colddam,§

§ Autograph.

Whereas there is an estate of Edmond Patch and Eunice, his daughter, sequestered by the Ipswich court, in the hands of Thomas Fiske and Thomas Patch, John Poland presented a bill of charges about said Edmond and Eunice, amounting to 4li. 14s. 7d.; of which 2li. 18s. 7d. remains to be paid in goods, in lieu of money.*

John Stanwood was released of his bond.

Isaack Williams, presented for sealing leather unsufficiently tanned, was fined.†

aged about fifty years, deposed that they had a child born about eighteen weeks after marriage, etc.

*Richd. Hubberd‡ and Richd. Walker‡ certified, July 2, 1674, that they had received a parcel of land belonging to Edmund Patch in which Jno. Powland claims an interest, for satisfaction for what he had disbursed for the relief of said Patch and his daughter. The land could not be measured on account of thick shrubs, bushes and water, except in the extremity of winter, but taking notice of two of the outside lines upon the upland, they thought there were about eight acres, which seemed of little worth. Samll. Dodge, the adjoining owner, to whom it would be more advantageous than any other, proffered 5li. per acre, in whatever was necessary for maintenance of said Patch or his family and at reasonable rates, as corn delivered in meal without allowance for carriage, wood at 3s. a cord, linen or woollen cloth or provisions. Also, deponents, having laid out a highway for Jno. Powland through said Patch's land, he seems well satisfied and is willing to allow at the rate of 5li. per acre, all of which can be sold without any damage to the rest of the land.

Copy of Ipswich court record, of May 5, 1674, concerning this action, made by Robert Lord,‡ cleric.

Reckoned with Eunes Patch: One day going to mill for meal, 3s.; one day cutting wood, 2s.; half a day cutting wood with four oxen, 3s.; one day going to Salem for sugar, 2s.; grinding mault and cutting wood, 2s.; 6 pound of shuger, half a crown; fetching Mistriss neuman, 2s.; going to Ipsedg for shuger, 2s.; 6 pound of shuger, half a crown; again going to Ipsedg for meat, 2s.; thirty pound of beef for soop, 5d.; cutting and carting wood, 37s. 4d., etc. total, 22li. 1s. Signed by Thomas (his mark) Hobs and John Poland.‡ Due John Powland, 4li. 6s. 1d.

Thomas Fiske's‡ bill of cost, 12s.

†John Horne,‡ William Buckly‡ and John (his mark) Best certified, at Salem, Nov. 27, 1673, that the leather was insufficiently tanned. Sworn in court.

‡ Autograph.

Mr. George Emory forfeited his bond for appearance in his presentment for excessive drinking and was ordered to pay witnesses, John Horne, sr., John Guppy and Peeter Harvey.*

Benjamin Keaser, having a lameness in his ankle, so that he can not go or stand without much pain, was released from common training.

Ruben Guppy and John Guppy were bound for the former's appearance, and said Ruben was bound to good behavior, especially toward Mr. John Higenson, sr.

Whereas there was some movement made to this court with respect to not allowing two ordinaries at Gloster, court referred it to the next Ipswich court, and until that time Mr. Duncan and Judkin were to continue their keeping of an ordinary.†

*Writ, dated May 25, 1674, signed by Hilliard Veren,‡ for the court, and served by Henery Skerry,‡ marshal of Salem.

Deacon Horn, aged seventy-two years, deposed that "hee see Dockter Emery fall to y^e ground twice and sayeth That hee did verily beleue him to be in drink."

John Guppy, aged twenty-five years, deposed that he saw Doctor Emory fall down in the street and he was brought into his shop "almost ded to his thoughts."

†"A Certificate vnto the Honored Court at Salem by vs whose names are under written this 27 of June 1674,

"First, that the late pretended Towne meeting at Gloster was illegal in that it was without the knowledge consent or aprobaton of the Major part of the selectmen, as the Major part of the Selectmen did with one consent declare at M^r Emersons House that the aforesayd Towne meeting was

"2^{ly} The Major part of Selectmen at that same time did declare against the Towne meeting and at the sayd House that it was Illegal.

"3^{ly} That whereas it was pretended that it was called by the Constable to chuse a new Constable And petty Juryeman, and in probabilitie it was only to attaine an other designe, for the Constable and Juryman was chosen aboue a quarter of a yeare before at the Generall Towne meetinge according to there custome, And the sayd Chosen did at that meeting accept of the choyse Neither would this pretended meeting heare of any new choyse, or take any other into soe much as Consideration, because that they had Chosen before, and he whoe was chosen had accepted of the choyse

"4^{ly} besides the abousayd Reasons, this allsoe may be added, that the pretended Towne Meeting was acted And what was

‡ Autograph.

voted was voted in a great measure if not the greatest, but such youngsters of the Trayne band as had nothing to doe to Vote in any Towne affayres according to law, for it was after the trayning, And at a Legall Towne meeting they would haue bin objected against and the law made use on against them, but now to carry on there prejudiciall rash and inconsiderat designes any was permitted to vote to make shew of a great number.

"5^{ly} some of vs can testify and doe declare that to make some number of there pretended Meeting many that were not free to act with them and to come amongst them were vrged extreemly and constrained to goe in amonsgt them.

"As allsoe the great inconvenience of haueing a Tauerne soe neare the House of God and seuerall doe say that some doe very much indispose themselues for the worship and seruise of God, besides what disorders on Trayning dayes, vpon that acount might be farther spoken vnto, but wee humbly conceiue that the nessecarie occasions of the Towne and Saboth dayes might be provided for by pennie beare and cakes and that or such prouision as is equiuelent which no doubt but the Honored Court will be willing to allow." John Emerson,* Robert (his mark) Elwell, John Davis,* John (his mark) Fitch, John Row,* Osmand (his mark) Dutch, Thomas (his mark) Prince, Samuel Elwell,* Hezekieh Dutch* and William (his mark) Griggess.

Another petition: "Whereas you were pleased to grant to M^r Duncan liberty to keep an ordinarie in the Towne of Gloucester last Court held at Ipswich, and thereby forbidding all other for continuance, may it please you to vnderstand that in soe doing wee apprehend you haue done that which is most needfull for the Countrey and as necessitie may require for the suply of the Towne

"As for our Towne you know it is noe throughfare, but when any goe thither from Salem or Ipswich on horse that is as convenient and much nearer the Roade Cutt and harbour then the other is and as for any mariners occasions his habitation is as well sittuated as any is for such ends.

"Our Towne is growing to a pritty fullnesse of younge people. It will be wee doe conceiue the easier to order and giue such and preuent extrordinarie expences when the house for selling liquor wine and strong beare is not soe neare the meeting house; which is too apparantly destructive to the Towne where it is

"When M^r Blinman dwelt in Gloucester some time since, The harbour was chosen and pitcht vpon as the most convenient place for the Ordinary And there it was kept." John Emerson,* Robert (his mark) Elwell, John Davis,* John (his mark) Fitch, John Row,* Osmand (his mark) Dutch, Thomas (his mark) Prince, Samuel Elwel,* Hezekieh Dutch* and William (his mark) Griggess.

* Autograph.

Richard Adams was released from common training, paying 2s. yearly to the use of the company.

The Worshipfull Major Hathorne's return of fines:

George Stanly and Thomas Woodbery, on 13 : 11 : 1672, for breach of the peace.

Ann, wife of William Lake, 14 : 5 : 1673, for breach of the peace on the Lord's day in the meeting house.

Anthony Ribeara, 4 : 6 : 1673, for stealing a coat from John Baker. He being satisfied, said Ribeara was fined or ordered to be whipped at Lyn on the next lecture day; but Ballard, the constable, let him go.

Samuell Hibbert, 8 : 7 : 1673, for base words tending to great

Letter addressed "These For His hon'd Father, M^r Samuel Symonds at Salem:"

"Hon'd Sir

"I have this day spoke with divers that were of the pretended towne Meeting & acted with them as they doe say meerly out of Ignorance for they thought that the Meeting had beene called by the select men or else that the Constable had had a warrant from the Magistrates to have called the Towne together & so it was held forth vnto them as they professe & never was understood any thing to the contrary untill this day which if they had they would by noe meanes have beene drawn to act with them And if time would have permitted I doubt not but that they would have drawne a declaration by themselves how they were deluded & presented it to the court. And further concerning that certificate which is now sent to the Court there were divers not at home & others so remote that by reason of the shortnesse of time they could not be gone unto which otherwise I know would haue set their hands unto it. And many of those that acted in y^{re} pretended meeting would haue willingly set their hands after they understood how illegally the meeting was called only both themselvs & I also thought it might doe more hurt then good in that they would by the Adverse part have beene charged to act both wayes. And one of the oldest men in the Towne whose hand is to the writing sent to the Court who seeth the inconueniency of Judkin sayth if he had Ten hands he would vote by them for M^r Duncan & agaynst Judkin. Sir

"Your obedient son

"Glocest. June 29 : 74

John Emerson

"And since the writing of this another Solid man sayth if he had six hands he would vote for M^r Duncan."

uncleanness, "for which I Judg him to be well whipped, vnles he pay downe p^rsently 40s. in silver, which he did then pay."

Samuell Harris, 10 : 7 : 1673, was fined and was bound not to come near Crod's wife or into her company unless his wife be with him.*

Peeter Joy, 3 : 11 : 1673, for drunkenness.

William Basse, alias Bath, 9 : 12 : 1673, for drunkenness.

John Smith, for being drunk and swearing.

Robert Steephens, for breach of the peace and drunkenness.

Richard Haule, for swearing.

Returne Johnson, 21 : 1 : 1673-4, for deceitfully answering me and for excessive drinking.

Samuell Steevens, 23 : 1 : 1673-4, for breach of the peace.

William Mazary, 12 : 2 : 1673-4, for striking Dove's son.

John Dier, 2 : 3 : 1674, for breach of the peace, for being drunk and for swearing more than once at a time.

Richard Freind, for breach of the peace.

Thomas Vely's wife, for stealing.

Henry Collens, jr., of Lynn was allowed 3li. for repairing the bridge at Lin.

Will† and inventory of Ralph Ellenwood, deceased, were brought into court, proved and allowed.

*Mary Woodbery, aged about forty-six years, deposed that about the middle of last June, Mary Haris, wife of Samuell Haris, came to their house, and having heard that sometimes said Samuel used to beat his wife, asked her if it were true. She answered yes and pulled up her sleeve and showed her arm which was black and blue, saying that her husband did it with a great stick that he had used when he was lame. She also said that her back was a great deal worse. About two days after, Samuell came to deponent's house to inquire for his wife, and when told that she was not there, he began to complain of her for running abroad so much. Deponent told him that she had little encouragement to stay at home because he beat her so. He replied, "Well, what if I doe, If I doe she shall haue more of it." Sworn, 1 : 7 : 1673, in Major Hathorne's court.

Robert Evens, 15 : 10 : 1673, for breach of the peace and excessive drinking.

†Will of Ralph Ellinwood, without date or signature: "I make helen my wife my lawfull executrix and to make use of all my estate to bring up our Children in the feare of the lord.

Robert Leach of Manchester dying intestate, and there being a writing wherein was expressed the mind and will of the deceased in some general terms, also an agreement between the relict of deceased and her two sons concerning the ordering

Thirdly I make my son Raph my lawfull heire after his mothers decease but when he is Come to the age of twenty one yeares he is to haue the ten akres which was formerly old Robert Moltons lot and that Joseph Benjamin & david and our too daughters Mary and Elizabeth each & either of them an equall portion only Raph a doble portion according as the estate is prised to be paid as each comes to age onely I allow my wife hir thirds dureing the terme of hir life and after hir decease equally her thirds are to be divided amongst our sons & daughters that then doe survive." Wit: Thomas Pickton* and his wife Ann.

Inventory of the estate of Ralf Ellinwood of Beverly, taken Jan. 30, 1673, by Henery Skerry, sr.,* Tho. Rootes* and John Massey, and allowed upon oath of Ellenor, the widow: The lot commonly called Molton's lot, with the building, orcharding, etc., 135li.; plowabell Land, pasture, with part of the orchard, 130li.; 2 Cowes, 7li. 10s.; 2 Heffers with Calf, 5li. 10s.; 2 Oxen, 8li. 10s.; 1 Calfe, 1li.; 1 mare & 2 mare Colts, 3li.; 15 sheepe, with theare lambs, 7li. 10s.; 4 swine & 3 pigs, 3li. 5s.; 6 Loads of haye, 6li.; A Beed part Fethers & partt Flockes with 3 Fether pillowes with a bolster & Covering 3li. 10s.; a flock bed with 3 blancitts, 1li. 10s.; 20 Bushels of Ingen Corne, 3li.; 15 Bushels of barley, 2li.; 2 bushels of peese, 8s.; 8 Fitches of Bacon, 3li. 10s.; 2 bushels of Ry, 7s.; 30li. of sheeps wooll, 1li. 10s.; 16li. of hempe, 8s.; 10li. of flax, 10s.; Chaines & Fetters & horse Trases, 16s.; Cart & wheles with a Cops & bolt with plow Iornes, 2li.; 3 Boxes For wheeles, 5s.; 6li. wedges, 2s.; axes & hoes, 8s.; 2 hacks & 1 pare of Fiar Tongs, 10s.; 2 Akers of Salt marsh Ground Laying to the Common, 1li.; 3 Iorne pots and a Scellet, 15s.; warming pan, 10s.; a brace Cettell & scellitt, 1li. 10s.; a barrell of a Gun, 3s.; 5 puter platters & an old pott & porrenger, 1li. 2s.; half a barrel of mackrell, 9s.; 10 bushels of Turnups, 10s.; 1 barrell & half of sider, 15s.; 3 spining wheels, 10s.; 2 Chests, 15s.; 20li. of Cheese, 6s. 8d.; 8li. of Cotten yearne, 16s.; wooden dishes & boles & earthen platters, 5s.; 2 old siths & 2 Repe hooks, 4s.; a sider prees & pounding Troff, 1li.; a connew, 10s.; 4 old bibels & sume other books, 18s.; 4 pare of sheets with pillo bears and Tabell clothes, 4li.; 5 yeards of home maide wollen Cloth, 2li.; mony, 3s.; a towell, 1s. 6d.; his best sute of home spun Cloth, 3li.; 2 wascots, a Cote an drawers, 1li. 5s.; his stockens, shewes, & hats, 1li.; 3 shirts & neck clothes, 1li. 10s.; 3 chaires, 5s.; total, 352li. 12s. 2d.

* Autograph.

and settling of the estate, court allowed and confirmed said writing.*

Will† of Tho. Newhall, sr., deceased, was proved and allowed.

*Inventory of the estate of Robert Leach, late of Manchester, deceased, appraised by John West and Paul Thorndike: One dwelling house and barne, orchard and 4 score and five akers of upland, 230li.; eight akers of Meadow, 50li.; six oxen, 30li.; eleven Cowse and other young Cattell, 43li.; for three Jades and Swine, 14li.; for Cartwheelles, plowtackling axes and a part in a sawmill, 10li.; a part in a boat, 15li.; debts in John Leaches and farmer Wests hands, 35li.; for canoes, guns, sword and other small things, 4li.; wearing Cloaths and beding and corn, 28li.; for peuter, brass and Iron and other houshold stuff, 5li.; total, 464li.

†Will of Thomas (his mark) Newhall, sr., of Lyn, dated Apr. 1, 1668 and proved by the witnesses, Thomas Laughton‡ and Robert Potter:‡ "I bequeath my twelf acres of salt marsh to my sonn Thomas Newhall and my sonn John Newhall the six acres that my sonn Thomas shall haue is three Acres in Rumley marsh neere the Island and the rest is a pcell lyinge in the Towne marsh called Gaines his necke and other pcell lyinge in the Towne marsh adioyninge to my Brother Farrington and the six Acres yt my sonn John shall haue lyeth in the last Divission in Rumley marsh but if my soon John should haue noe child before he dyeth then the six Acres I giue to my sonn John to returne to my sonn Thomas and his heirs for ever but if my sonn John should haue a child or childeren then the sd six Acres to bee att his owne disposse forever. I bequeath to my sonn Thomas Brownes his childeren twenty Pounds equally to be devided between them and the sixteen Pounds w^{ch} he hath already of mine in his hands is to be part of this Twenty pounds I giue to his childeren. I bequeath to my sonn Richard Haven his childeren twenty pounds to be equally devided amongst them namly betweene Joseph Haven Richard Haven Sarah Haven Nathaniell Haven & Moses Haven this not to be paid vntill they com to the age of twenty one years, I bequeath to my tow daughters Susana Haven & Mary Browne each of them a paire of sheets and each of them too pillow beares. Alsoe I constitute & make my lawfull & sole executor and to pforme this my last will and testament my sonn, Thomas Newhall. I doe alsoe bequeath vnto my sonn Thomas Newhall his childeren thirty pounds."

Inventory of the estate of Thomas Newhall, sr., of Lynn, lately deceased, appraised 25 : 4 : 1674, by Oliver Purchis‡ and Robert (his mark) Burges: An old dwelling house with an old barne & 6 Acres of Upland & 12 acres of Meddow, 95li.; 30 Acres of Land

‡ Autograph.

Will* of Capt. Walter Price was proved, and the executors, Mrs. Elizabeth Price and Mr. Jon. Price, were given until the next Salem court to bring in an inventory.

in the woods, some part meddow, 30li.; an old fether bed, 1 Bolster, 1 pillow, 1 pillowbear, 2li. 10s.; 1 Green Rugg, old, 1 Branched Coverlett, 1 old blankett, 1 one old p^r of Curtaines & vallence, 2li.; 2 p^r of sheets, 1 table cloth & 3 napkins, 2li.; 1 Hatt & his wearing apparrell with 2 bands, 3li.; 1 yrd & 1-2 of Red Cotton or such like, 4s. 6d.; 5 vessels of Brass, kettls, pots & skillett, 2li.; an iron Kettle & skillett, 8s.; pewter as 3 platters, 1 small flaggon, 1 Bowl & 1 Candlestick, 1 pott of a pint or more, 1li. 2s.; 1 pr. of Andirons, 1 pr. of Tongs, 1 spitt, 1 potrack, & 1 pr. of pothookes, 1li. 1s.; 1 warming pan, 6s.; 1 Bible & 4 other good bookes, 1li. 5s.; 1 press Cubbard, 2 old Chests, 1li. 10s.; 2 chayres, 12s.; 1 Box & some small matters in it, as two small black hankerchiefs, 1 black quoife, 1 Bonnett, & two small Remnants Linnen, 16s.; money, 5s. 7 1-2d.; a small parcel of land about an Acre neer ye overshut mill betweene the mil wast & y^e Cawwey bridge, 3li.; estate in ye hands of John Newhall his son, 20li.; one-half pinte pott, 1s. 6d.; some debts due to him p weaving &c., 6li.; total, 173li. 1s. 7 1-2d.

*Will of Walter Price† of Salem, dated May 21, 1674, and proved by Mr. Edward Norrice and Benjamin Gerrish: "I doe order & appoint all due Debts to be paid & discharged vnto any person or persons to whom they belong, out of my proper Estate & in particular the Legacyes giuen to my two Grandchildren Elizabeth Price and Anne Price. Item, I giue and bequeath to my sonne John, and confirme vnto him what was promised him vpon his Mariage, viz: one third part of the Ketch Friendship, also the whole Ketch William & John, halfe the warehouse at winter Iland, & the now dwelling house of John Lambert in Salem, or the debt due to me from him. Item I giue & bequeath vnto my sonne John the dwelling house wherein Doctor Weld now liueth, with the ground belonging to it. Item I giue & bequeath all the rest of my Estate, to my deare and Loveing wife, Elizabeth Price, to be possessed & enioyed by her dureing her naturall life, only shee paying out of it, a portion, what she shall thinke meet, to my sonne William Price, according as he shall behaue himselfe.

"Item my will is that my sonne John Price shall, after my decease, liue in my now dwelling house with his mother, & shall manage the Estate for her, & the Grandchildren, viz: Elizabeth Croade, John Croade & Elizabeth Price, vntill they shall be disposed of, by their said Grandmothers Consent, Item my will is that my sonne John Price, liueing with his mother & manage-

† Autograph and seal.

A writing presented to this court as the will* of Hugh Alley was proved and allowed.

ing the Estate, as aforesaid, dureing her naturall life, shall in Consideration thereof, possesse and inioy as his owne, the one halfe of the Estate that is left at his mothers decease, or else shall possesse & inioy the whole Estate that is then left, (excepting the houshold goods,) he paying out of it, the value of halfe y^e said Estate, at that tyme to the aforesaid Grandchildren Viz: Elizabeth Croade, and John Croade or any else of my Children, according to the will of his mother at her decease, and also to their sister Hannah Croade Item, I giue and bequeath vnto my sonne William Price twenty shillings, and to my daughters Elizabeth Rucke and Hannah Verin twenty shillings apiece. Also to my daughter Anne Bradstreet five shillings Item, I doe will and appoint my beloued wife, Elizabeth Price, and my sonne John Price, to be Joynt Executours of this my last will and Testament, and I desire & designe my beloued brother Capt. William Gerrish of Newbury, and Capt. Thomas Lothrop of Beverley to be Ouerseers thereof." Wit: Edw. Norrice† and Benjamin Gerrish.†

*Will of Hugh (his mark) Ally, sr., dated 2 : 11 : 1673, presented by the widow Mary, who was appointed administratrix of the estate, and proved by William Bassett and Ellenor Lambert: "I giue to my son John Ally a yew shep and a lamb at mickelmas next his wife and children for to haue the yuse of them tele the children com to age and then the children to haue the yew shep and the lamb and the incres of these shep, I giue to my grandchild John linsy at michalmase next a ewe shep and the first yewe lamb that this yewe brings his brouther Elizer linsy shall haue and the first yew lamb that Elezers ewe shep brings that sameull linsy shall haue and the increse of these shep to be cepte for them tell they be at age and then they to haue them all for thear on yuse at there desposing I giue to my grandchildren Elezar linsy childrin at mickelmas next a yewe and a lamb and the children for to haue the incres of them when they com at age I giue to martha milles and hure child martha mills a yewe shepe and a yewe lamb at micklmas next and they for to haue the incres of thes shep and for the Rest I leue to my wife for to dispose of my estat at hure death to my children as she sese most nede." Wit: William Basett,† Ellenn Lambert† and John Aley.†

Inventory of the estate of Hugh Alley, taken 7 : 12 : 1673, by William Bassett† and John Lewis,† and allowed upon oath of the widow Mary: One house and one Acker of land and a half, 10li.; one mare and one hors, 4li. 10s.; 3 swin, 2li.; 2 cowes, 6li.; 12 shepe, 6li.; fodr, 2li.; 2 beds and beding, 6li.; gots, 1li.; bockes,

† Autograph.

Will* of John Legg, deceased, was proved and an inventory allowed.

5s.; tras and boulds, 10s.; puter and Earthen ware, 10s.; Iorn and brase, 11i. 12s.; cobard and 1 chest and 2 tronks chears and stols, 11i. 10s.; English and Ingin corn, 3li.; axes and houws and old Iron, 11i. 10s.; whelles and tubs and palles, 2li. 10s.; meate, 10s.; linen yearen, 12s.; sadell and bouts and shoues, 11i.; wearing clothes in linin and wolenen, 2li. 10s.; glasses, 4s.; debts due to the estate, 5li. 4s. 4d.; total, 60li. 17s. 4d.

*Will of John (his mark) Legg, dated Nov. 16, 1672, and proved by Leift. Samll. Ward and Edw. Humphry, Samuell, John and Daniell Legg, sons of deceased being at the same time appointed administrators of the estate: "I doe Giue and bequeath || & make ouer || vnto my Wife Elizebeth all my whole estate what Euer: house and land & Goods and all things: to be at her disposing Continuing her life soe y^t noe Children of ou^rs shall disturbe or Mollest her in y^e time of her life: after my decease: but only what she doth think Good to dispose of to her Children o^r others I leaue it to her Libertie I doe further will and desire y^t if my wife she should marry with any man after my decease y^t y^e man to whome she shall be maryed to shall not haue any thing to doe with y^e Estate at all but after my wifes decease y^e whole Estate to be Equally Diuided between my three sons y^t is to say samuell John and Daniell, I doe more over will and desire y^t my Son Daniell being my Youngest son should haue tenn pounce more then y^e other two: to be taken out of y^e Estate, I doe leaue in Leaguseas to my Son Sam^l two Children fife pounds a peece and likewise to my son John: his two Children fife pound a peece."

Inventory of the estate of John Legg, taken at Marblehead, May 25, 1674, by Samll. Ward† and Erasomus James:† One Dweling House and two outt houses with about 1 1-2 acres of meddow & orchard, 115li.; pastuer walled in, 3 1-2 acres, 55li.; one Lott Containing 20 acres, 36li.; part of a farm about Eight acres, 17li.; two Cowes comanedg, 9li.; one servant Boy, 8li.; fower Cowes, two steers & one heiffer, 17li.; three swine, about 1 year old, 11i. 10s.; cashe left, 10li. 15s.; depts out, 6li. 19s. 11d.; one Fether Bed and a under Silke Grase Bed, 2li. 15s.; old Bolster & three smale Fether pillows, 14s. 6d.; two Ruggs, 2li. 14s.; Curtain & vallains, 16s.; one Bed Steed and Cord and matt, 11i. 2s.; one pair of andirons, 11i.; one Long table, 25s. and one short table, 5s.; one paer of Bellows, 18d., and a Grid-iron, 2s.; one Candlestick, 2s., and one Looking Glace, 1s.; one great Chaier, 3s. 6d., and one Bedsted Cord & matt, 24s.; one sett of Curtains and vallins and fower Curtain rods, 15s.; one

† Autograph.

Will* of Robert Prince, deceased, was proved and allowed.

warming pann, 4s., and one fryin pann, 2s.; one spitt, 3s. 6d., and one great Chist, 10s.; one iron Cettle, 8s., and one Cettle pott and Hooks, 5s. 9d.; one skillett, 3s. 6d., and one pott hanger, 5s. & a Hearth iron, 4s.; fower Putter platers and one Basson, 10s.; three porengers and one salt seller, 2s. 6d.; five spoons, 2s. 6d., and fifteen trenchers, 1s.; fower Earthen Dishes, 1s. 6d., and two Brushes, 1s. 3d.; two Earthen potts, 6d., three old Chaiers, 4s. 6d.; one putter Quart and pinte pott, 5s.; one putter, Basson and porenger, 3s.; one Cann, 2s. and one Chamber pott, 3s. 6d.; one earthen pott, 1s., and one Bible and psalm book, 6s. 6d.; one pair of pott Hangers, 4s.; one Brase cettle, 7s.; one Brase skellet, 2s., and fower wooden Dishes, 1s. 9d.; one paile, 2s., and two Earthen pans, 2s.; one paer of tongs, 2s., one Churn, 4s. 6d.; one Candlestick, one Lampe, 2s., and fower Joynt stools, 8s.; one womans Hatt, 16s.; one old Fether bed, 2li.; three new pillows, 12s. 6d., two old pillows, 5s. 6d.; one Bolster, 7s., and one Green Rugg, 17s.; one Green Rugg, 15s., one pair of white Blankets, 20s.; one paer of old Blanketts, 12s., one Red Blankett, 6s.; six Diaper napkins and one table Clothe, 14s.; six napkins, 8s., one pair of Cotten sheets, 16s.; one pair of Cotten and Lining Sheetts, 16s.; three old sheets, 14s., one holland pillobe, 3s. 6d.; two pair of pillobes, 7s. 6d., two holland aprons, 12s.; one Green say appron, 6s., and two blue aprons, 3s. 6d.; one Lute String Scarfe, 6s. 6d., and head Clothes & Gloves, 8s. 6d.; one table Clothe, 3s., a man's Coat new Kersie, 30s.; one paier of Kersie Briches, 10s., and an old searg Coat, 2s. 6d.; one woman's Coat of moorhaier, 16s., and two old searge Coats, 8s.; one Stufe Coat, 13s., and one Brod Cloth wasteote, 12s.; one Searg wast Coate, 9s., one Red peniston Coate, 6s. 6d.; one woman's Cloke, 7s., and two Carpitts, 13s.; one old Trunke, 9s., and one new Chest, 12s.; one new Box, 5s.; total, 316li. 13s. 2d.

*Will of Robart Prince, dated May 24, 1674, without signature, proved by Lieut. Thomas Putnam and John Putnam: "I giue unto my toe sones James and Joseph Princ all my houses and fences and land both upland and medous for to bee Equally to bee deuded betewene them both when thay Come to the ages of one and twenty yeres. I giue unto my daftere Elisebath Prince forty pounds to be payed by my tow sones when thay Come to ages fiftene pounds appece and tenne pounds by my wife: and this to bee payed vnto my dafter at the age of Eighttine yeres. I giue unto henery brage three pounds to bee payed by my Excetors, my will is that my wife shall haue the hous and land untelle my sones Come unto age and bring up my Children: also all my stocke of Cattell and movabell goods: Except fower of the great pueter platers which I giue unto my dafter.

Will of John Tarbox, sr., proved and an inventory allowed.*

my will is If Ethere of my Children should desese before thay Come unto age then the Estate or legecy to bee devided betwene him or them that surviue. lastly I make my wife my sole Excecteur of this my will. allso I apoynt and desier thomas and John Putnam to bee the ouerseeres of this my will. my will is that If all my Children shall desese befor thay shall Come to age that then all my land shall fall to the next of blode."

*Will of John (his mark) Tarbox, sr., of Lyn, dated 25 : 9 : 1673, and proved by Thomas Laughton, sr., and Robert Burges, in Salem court: "I bequeath my house and housinge with orchard and all my Land and meadow with a green rugg and a great Iron kettle a round Joyne Table to my sonn John Tarbox and his heires for ever. I bequeath vnto my sonn Samuell Tarbox and his heires twenty fue pounds to be paid vnto him or his heires by my sonn John || tarbox || or otherwise to haueth at three acres of Land yt was my wifes before I marryed her and tow acres of salt marsh in rumley marsh if my sonn John shall not pay this twenty fue pounds in one yeare and a halfes time after mine and my wifes decease and it is to be vnderstood this twenty fue pounds given to my sonn Samuell is not till after one year & halfe after myne and my wifes decease. I bequeath vnto my Grand child Samuell Tarbox one younge steere to bee put out for his only use and benefitt. I bequeath unto every one of my sonn John Tarbox his childeren and my sonn Samuells childeren one ewe sheep a peece. Lastly I bequeath unto my louinge wife all the rest of my estate to be disposed of by her what shall bee of it att her decease left equally to my sonn John tarbox and his heirs and my sonn Samuell and his heirs alsoe I leaue my wife my only executrix and my louinge freinds capt marshall & Thomas Laughton senior my overseers of this my will." Wit: Thomas Laughton, sr.,† and Robert (his mark) Burges.

Inventory of the estate of John Tarbox, sr., of Lynn, taken 29 : 3 : 1674, by Thomas Laughton, sr.† and Robert (his mark) Burgess: one dwellinge house and one barne with seaven Acres of upland and A orchyard neare adjoyninge, 55li., six acres of salt march lyinge in Rumley marsh, 30li.; three coves and a calfe, 10li. 10s.; 3 younge cattle, 7li.; 9 sheepe and six lambes, 4li. 16s.; tow swine, 3li.; one bedstead & bed & bedinge, 6li.; tow coverings, 1li. 10s.; three paire sheetes, 2li. 8s.; two shirts, 2 pillowbeares, one table cloath & a wallett, 1li. 16s.; a bed tickinge, & a old Blankett, 8s.; one peece of new cloath being wollen, 2li.; one carpett and a couchinge, 8s.; two coats & a pair of drawers & a paire of old Breeches, 1li. 16s.; for more old weare-

† Autograph.

Michaell Patridg and Robt. Hooper dying intestate, an inventory of both estates was brought into court by Mr. William Browne, sr., to whom they were given by Thomas Edwards, boatmaster, and the latter was appointed administrator, he to pay the debts in proportion as the estates warrant.*

inge cloathes, 14s.; Three paire of old stockings and one paire of shoos & a hatt, 9s.; one sack & foure Baggs & a winnow sheet, 1li. 2s.; one peece of cloath, 8s.; one parsell of yearne & one pound flax, 16s. 6d.; two old pillows, 6s.; seaven pound of sheep woole and cotten woole yearne, 12s.; eleaven pound sheeps woole & two old Baggs, 12s.; two platters, two drinkinge potts, three poring dishes & two bassons & a bottle, all pewter, 1li. 2s.; one brasse skillett & a brasse skimmer, 5s.; one Brasse pott & one Iron kettle, 1li. 2s.; three Iron potts, 1li. 13s.; one warmeing pann, a fire shovell & a pair of tongs, two paire pott hookes & a pott hanger, a paire of bellows, 16s. 6d.; a fryinge pann, Iron mortar & Iron pinn & a tinn pann, 5s. 6d.; one round Table & two Joyne stooles, 12s.; three chests & a old cubberd & a box, 1li.; two spininge wheels, 5s.; three pailles, 4s.; some earthen potts & wooden dishes & some wooden trayes, 5s. 6d.; three sawes & foure axes, 1li. 4s.; six old sickles & hookes & a pcell of old Iron, 12s.; two forkes and one Iron crow & a grinstone, 11s. 6d.; two old chairs & an old stoole & cuchen, 3s. 6d.; one truel hammer & a paire of pinchers, 2s. 4d.; six old basketts, a lanthorne & six pound of flax, 7s. 8d.; one pcell of lumber, 17s. 6d.; foure Barrells & a tub, 10s.; two barrells, one lather undressed flax a dungforke and shovell, 14s.; six bushill & half of Indian corne & one bush. of mault, 1li. 3s. 6d.; money, 2s. 6d.; owing for two oxen by John Tarbox, jr., and Samuell Tarbox, 12li.; owing by John Tarbox, jr., 1li. 7s.; owing by Ezekell Needham, 9s.; total, 159li. 6s. 6d. Debts owing to Capt. Marshall, 5s. 8d.; to George Coale, 6s. 8d.; to Robert Driver, jr., 2s. 6d.; to John Tarbox, jr., 10s.

*Mighell Partridg, Dr., to paid several men p. Tho. Edward, 4li. 7s. 1d.; one 1-3 pt. of ye Shallup, 24li. 4s.; Goodman Lord & other men for his Buriall, 14s.; total, 29li. 5s. — Creditor, 1-3 pt. of ye shallup as she was prised, 15li.; his winter Voyag with Tho. Edwards, 11li. 6s. 9d.; some old Clothes, 2li. 15s.; total, 29li. 2s. 3d.

Robert Hooper, Dr., to severall Menn for Debts, 3li.; his buriall, 24s.; to Mr. Wm. Browne, Senr., for 1-3 of ye Shallup, 24li. 5s.; total, 38li. 5s. Creditor, 1-3 pt. of ye Shallup as She was prised, —; his Winter Voyage with Tho. Edward, 11li. 6s.; a pcell of old Clothes, 15s.; total, 27li. 1s. 9d. These accounts were delivered by Thomas Edwards† to Mr. William

† Autograph.

Mr. John Gifford had his license renewed for the ensuing year to retail or sell to his workmen strongwater by small measure.

Browne who presented them as inventories of the estates and they were allowed.

Acompt of ye vioag of Michaell Partridg and Thomas Hooper who were Drowned in ye Month Apriell: here at Salem: In Merchantble fish among 4 men, in all there was 94 qntles, 84li., 12s.; their Refuse Fish, with a Barrill of Oyle, 20li. 13s.; total, 105li. 5s. To Mr. Browne & Boates hier, stage Roome and Beefe & nett, 59li. 18s.; there Remains, 45li. 7d. Divided between 4 men Comes to 11li. 6s. 9d. a man.

To what Thomas Edwards hath ben out for Michael Partridg: paid to Samll. Nicholson for Michaell partridg, 1li. 12s. 6d.; to John Brock, 12s.; to Edw. Homan, 5s. 6d.; to Goody Coale, 11s.; to house Rent, 10s.; to Tho. Edwards, 8s. 6d.; to vinson Stutson for Shoose, 5s. 6d.; to Mr. Lattimore, 2s. 4d.; total, 4li. 7s. 4d.

Thomas Hooper Debter, to Goody Colle, 17s. 6d.; to ye Old Boat, 5li. 10s.; to Boston for Boots, 1li. 2s.; to Vinson Stutson for Shoose, 7s. 6d.; to Benjamin Parmeter, 1li. 15s. 6d.; to Mr. Brown, sr., 3li. 1s.; to Mr. Lattimore, 2s. 6d.; to house Rent, 10s.; total, 13li. 7s. To both their Burialls, 1li. 8s.

The appraisal of a shallop, belonging to Michaell Partridg, made June 30, 1674, by Erasomus James† William (his mark) Neck and Christopher Necke:† one pare of Shoose, in silver, 6s.; 1 pare of stockings, 3s.; 2 ould Shurts & 3 handChefer, 6s.; 3 old pare of Drawers, 5s.; 1 old Blanckett, 6s.; 1 pare Gloves, 2s.; 1 old Bed sack & pillow, 2s.; 1 Coate, 8s.; 1 Sute, Coate & Breaches, 1li. 4s.; 1 woollen wastcoat & Drawes, 3s.; 3 pare of old Stockings, 3s.; 2 old Caps, 1s. 6d.; 1 Bible, 3s.; 1 old hatt, 2s.; 1 old Cheest, 1s.; total, 2li. 15s. 6d.

Tho. Hooper's goods appraised by Erasomus James:† parcell of old Lumber, as Stockings, Drawers & wastcoats, 2s.; 1 old Shurt, 3s.; 1 pare Breeches, 6s.; 1 old Coate, 4s.; total, 15s.

Writ:* Susanna Hollingworth, widow v. John Hutson; debt; dated June 19, 1667; signed by Hillyard Veren,† for the court; and served by Henry Skerry, jr.,† deputy marshal of Salem. Bond of John Hudson, with Thomas (his mark) Booring and Richyard (his mark) Hutson, sureties. Wit: Willi. Holingworth† and Edward Reed.†

Letter of attorney, dated June 26, 1667, given by Susanna (her mark) Holingworth, widow, of Salem, to her son William Holingworth. Wit: Joseph Phippen.†

*The following papers, not being filed chronologically, did not appear under their respective courts. For Hollingworth v. Hutson, see *ante*, vol. iii, p. 425.

†Autograph.

Willi. Holingworth's bill of cost, 18s.

Petition to the Salem court, 4 mo: 1667, from the inhabitants of Marblehead: "wheareas the said Marblehead hath been a place of fishing for many yeares past, on which Acco^t divers persons from England, Newfound Land, and other places haue —rted thither, many of them persons undesirable, and of noe estates. butt rather Indebted. yett had no power to exclude them, because thay Came on a fishing Acco^t soe that many of them haue been burthensum to the place; and thay Constrayned to maintane them, in Cases of sicknesse and Lam[n]es or other Occurances that haue by the prouidence of god befallen them but now by reason of the fayling of the fishing trade att home, and the wars Abroad: our Condition is uery Low, and many Amongst us on Acco^t of fishing know not how to Maintaine themselves and families. our humble request thearefore is that this Honored Court would take our Low Condition into their serious Consideration that we may either haue power putt into our hands to kepe outt such persons from Coming into our plantation as are Like to be burthens to us. or that we may be eased of the Charge may Accrew by the Countie or as otherwise this Honored Court shall thinck fittest to doe for us, or Aduise us."

Copies,* made by Daniel Denison,† of the papers in the action of the Selectmen of Ipswich v. Walter Fairefeild, tried before Major General Daniel Denison, Mar. 28, 1669-70:

Writ: Selectmen of Ipswich v. Walter Fairefeild; trespass, for felling trees on Ipswich commons; dated Mar. 3. 1669-70; signed by Robert Lord, for the court; and served by Robert Lord, marshal.

Record of Ipswich court, Mar. 28, 1670, in a similar action, with judgment for plaintiffs. Thomas White, attorney to Walter Fairefeild, appealed to the next Salem court; Charles Gott, surety.

At a meeting of the Ipswich selectmen, Feb. 21, 1669, Robert Lord, jr., marshal, was ordered to prosecute against Walter Fairefeild, Rice Edwards, John Dodge and John Poland.

William Storey testified that he saw a poplar tree newly felled in Ipswich commons and saw Walter Fairefeild chopping upon the tree and he ran away behind a tree when he saw him. Sworn, Mar. 28, 1670, before Daniel Denison.†

Seth Storey, son of William, deposed.

Joseph Knolton deposed that going to Goodman Perry's, he saw a log on a sled on Ipswich common.

Goodwife Knolton was summoned, but was not able to go to town. She said that Walter Fairfeild with John Solar came in there and she asked him where he had been. The former laughed and sneered and said nothing, but Solar said they had been at Goodman Storey's. Goodwife Knolton said she had

* See *ante*, vol. iv, p. 260.

† Autograph.

the child in her arms and did not look out so she could not swear, but he had the log.

Walter Fayerfield's* reasons of appeal, received, June 23, 1670, by Daniel Denison*: that Maj. Denison was acting as judge and an interested party by his right in the commons; that William Storey who testified against him was to have half the fines of those convicted, etc.

Answer to Walter Fairfeild's reasons of appeal made by Robert Lord,* in the name of the rest of the selectmen of Ipswich.

Summons, dated 1 : 4 : 1670, to John Cleark, son-in-law of Mordecai Larcum to answer a presentment for attempting murder in thrusting a knife against the ribs of Jestin John, servant of Jacob Barney, sr., also the witnesses, John Woolley and Jeremiah Benett, signed by Hilliard Veren,* cleric, and served by Robert Hibert,* constable of Bass river.

Summons, dated 1 : 4 : 1670, to Frances Tilsey, servant to John Procter, to answer a presentment for drunkenness. Wit: William Traske, John Trask and John Peeter.

Jno. Woolly deposed concerning the attempt at murder. Sworn in court.

Venire, dated May 20, 1670, for Beverly, also summons to the selectmen upon presentment of the town for a defect in the highway at the ferry, also between Mr. Conant's and John Knight's, and to summons Nathaniell Howard as a witness, signed by Hilliard Veren,* cleric, and served by Robert (his mark) Hebard, who returned the name of John West for the jury of trials, also to answer the presentment about the highways, and Nathanell Haward for the grand jury.

Summons, dated July 14, 1670, to Mr. Raulph King and Mr. John Blanco as witnesses in John Ally's presentment for drunkenness; and to Mr. William Wilson, Tho. Wenmar and Capt. Marshall and his wife and Lieut. Purchas as witnesses in Joseph Armitage's presentment for drunkenness, signed by Hilliard Veren,* cleric, and served by Ralph King,* constable of Lyn.

Summons, dated July 14, 1670, to the wife of John Mason, brickmaker, for drunkenness, and Benjamin Gerrish, John Higgenson and Thomas Mawle, as witnesses, also to summons John Pickering as a witness in Elizabeth Poe's presentment, signed by Hilliard Veren,* cleric.

Warrant, dated 14 : 5 : 1670, for the apprehension of Wm. Blunt and Mary Seeres, formerly so called, for too much familiarity, etc., and summons to witnesses, Nathaniell Beadle, John Horne and Jo. Laskin, signed by Wm. Hathorne.*

Summons, dated July 14, 1670, to Richard Norman, sr. as a witness in Elizabeth Poe's presentment, signed by Hilliard Veren,* for the court.

Oliver Purchis, aged about fifty-three years, testified that on

*Autograph.

COURT HELD AT SALEM, JULY 21, 1674, BY ADJOURNMENT.

Judges: Samll. Simonds, Esqr., Dept. Govr., Majr. Genll. Danll. Denison and Major Wm. Hathorne.

the evening before the last day of public thanksgiving, he saw Joseph Armitage disguised with drink as appeared by speech, gesture and countenance at the houses of William Edmunds and Capt. Thomas Marshall.

Capt. Marshall deposed that Joseph Armitage was so drunk at their house that neither he nor his wife dared suffer him to have any drink there, and some strangers there wondered that they would suffer such a man to come into their company. Sworn, 18 : 5 : 1670, in Major Hathorne's court.

Nicholas Maning deposed that Mary Seers (also, Searle) came out of her cellar in a single coat and that William Blunt was in the cellar also.

John Horn deposed that at Wm. Blunt's house he saw Mary Seers sitting upon the table, and she used the word "Honey" in her discourse two several times, while said William was dressing leather upon the table near her.

N. Beadle testified that they called each other "dear" and "Honey" and walked hand in hand together. Sworn, 18 : 5 : 1670, in Major Hathorne's court.

B. Gerrish and Will P— deposed that a fortnight before the last Salem court, they saw Goody Mason pass along homeward down Mr. Batter's lane, reeling very badly, and she fell down twice. Sworn, July 18, 1670, in Major Hathorne's court.

Writ* of replevin, dated Feb. 12, 1671, for a mare of John Poland's detained by Samuel Knoulton, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal of Ipswich.

Theophilus Wilson† certified that Goodman Knowlton's brother Joseph reported the taking up of a mare, etc., and Sam. Knowlton took it up, etc.

James Burnam, aged about twenty years, Nathaniel Lord, aged about seventeen years, servant of Sergt. Burnam, and Thomas Burnam, sr., aged about fifty-five years, deposed concerning the mare.

Robert Lord,† clerk of the writs, deposed concerning the advice he gave John Poland concerning the prosecution.

Thomas Burnum, sr., aged about fifty-five years, deposed. Sworn, June 24, 1672, before Daniel Denison.†

John (his mark) Poland certified, Mar. 18, 1671, that the mare was not his but Sergt. Burnam's.

Nathaniell Browne, Edward Neeland and Elicksandars Tom-sone deposed concerning the ear marks. Sworn, June 24, 1672, before Daniel Denison.†

* See *ante*, p. 49 for Knowlton v. Powland.

† Autograph.

The town of Beverly, presented for a defect of a highway between the house of Mr. Roger Conant and the head of the rail fence Wenhamward, said Beverly was to make good the way before the next Salem court, and make their return, upon penalty of 5li., and to pay cost of witnesses, Robt. Hibbert and Thomas Patch.

William Barber and his wife, for fornication before marriage, were sentenced to be whipped or pay a fine.*

Joseph Armatag, presented for common barratry, and found guilty, was committed to prison for twenty-four hours, and to pay witnesses, Capt. Savage, Capt. Hutcheson and Hen. Roads.†

*William Barber's petition: "I doe confesse my psentment and doe acknowledg I haue sined against god and trespassed against this commonwealth and doe humbly Intreat the fauor of this honored Court I hope yo^r honors may be likened unto the kings of Israell of ancient time, (to be knoun to be mercyfull men) and I hope you may be knoun to be like o^r blesed lord himselfe who although he is Just against siners: yet he is mercyfull vnto the penitent and unto the retorning siner, I did euer oun & acknowledge my offence, and doe from my hart desier to be ashamed of it & humbled for it & I hope in the mercy of god that he will doe me good by it, I besech yo^r honors shew me some fauor, I am a young beginer in the world, and what I haue is at yo^r honors comand. I lye at yo^r Foote doe as god shall guide you in the case, I haue but a word to say for my self, and that is in regard of the law here established that any crime not complained of within the year, the law taketh not notis off, I was maried the first week in may last was a twelue month I spake it not to excuse my sin god knoweth, but that yo^r honors may understand the verity of it, & doe humbly intreat yo^r honors candid construction, and shall euer be obliged, this Honored Courts poore and humble seruant."

Witnesses to the presentment, Tho. Farrer and Andrew Mansfeild.

†Edward Hutchinson,‡ aged sixty-one years, and Thomas Savage‡ aged sixty-seven years, complained to the grand jury on July 1, 1674, that Joseph Armitage of Line had attached the estate of Thomas Savage four times and summoned him to appear at Salem and Ipswich courts to answer to one and the same action and yet did not prosecute, whereby it appeared plainly that it was his purpose to vex and molest him. Also that the debt for which he sued had been paid and Armitage had threatened Savage that it would cost him seven or eight hundred pounds if he did

‡Autograph.

Jacob Pudeator, for striking and kicking his wife, court being informed that the woman "is of great provocation," had his sentence moderated.*

The town of Salem, presented for defect of a highway on the Salem side of Forest river bridge at the next swamp Salemward and thence to the south side gate, was to make it good before the next Salem court.

The town of Salem, presented for defect in the country highway between Frost Fish brook and Horse bridge, Wenhamward, and in particular at the foot of the hill called Leach's hill, be-

not comply with his desires. Complainants asked the consideration of the grand jury if these actions were not such as to demonstrate him a common barrater, one who vexes his neighbors with unnecessary suits.

"Capt. Savag my loue remembred to you, the reson of my writeing is that this debt that is due to me might sertinlie haue a end, for what I promised yu I and my freinds are redy to keep their word to pay you soe much as I promised you provided you will put vs in a sertin way wherby that we may inioy that that we haue wth out truble & to that end you will Com over to Capt Marshalls the 20 day of Septemb^r being this Instant month, but if not I will sue upon the promise & then it will Cost you seaven or eight hundred pownds out of ye owne Estate, but then we that I propose to you it will not cost you on penie if y^e send me word I and my freinds will meet you at winisemet the same day; but not in Boston & so I rest

"y^r freind

"12 Sept^r 1672

Joseph Armitag."†

"Wee whoe haue here vnto subscribed beeing imployde aboute an Arbitration betwixt the Aboue mentioned partyes m^r Rhodes: & Joseph Armitage concerning the Armitages burning m^r Rhodes his fence, vpon the Land aboue mentioned: the s^d Armitage then threatened the sd m^r Rhodes to sue him in severall actions & this was vppon the 16: Decemb^r: 72: And indeed hee hath putt the sd m^r Rhodes vnto agreat deale of trouble & charge about the sd land: And wee conceiue uniuistlye. Andrew Mansfeild,† Nathaniell Handforth† and Thomas Marshall."†

*Marye (her mark) Neale, wife of Jeremiah Neale, testified that about the middle of March last, she saw Jacob Pudeator strike his wife three or four times, throw her down and kick her, and this was on the highway before deponent's house. Susanah (her mark) Hill, aged about fourteen years, testified to all her dame Neale had said. Sworn also by Abigaile Smith, in court.

†Autograph.

tween that place and the house of Edward Bishop, were to repair it before the next Salem court.*

The town of Salem, presented for breach of that law entitled children and youth on page 26, was admonished, and was ordered to take care that that wholesome and profitable law be duly executed, court agreeing to give all advice and assistance. Also, it was ordered that they bring in to the next Salem court an account of the youth, from the age of nine years and upward, who cannot read or are not profitably employed to the benefit of the commonwealth.†

The selectmen of Beverly, presented for the same neglect, were given the same orders.‡

The selectmen of Manchester, presented for the same neglect, were given the same orders.§

Richard Stackhouse was ordered to make a sufficient cause-way for foot travel on Salem side, to low water mark, against the ferry place, and make return to Salem court. If it were not finished by then, Nathaniell Hayward and his family were

*Tho. Patch and Andrew Mansfeild testified that the country highway was insufficient, etc. Sworn in court.

†Laws of the General Court in regard to this order. The selectmen were to see that all children and youth under family government be taught to read perfectly the English tongue, have knowledge in the capital laws, be taught some orthodox catechism and that they be brought up to some honest employment profitable to themselves and the commonwealth. In case of neglect on the part of the family government after admonition given them, the selectmen are required with the help of two magistrates to take away such children or apprentices and put them where they will be more strictly cared for. "The Neglect whereof as by sad Experians from Court to Court abundantly appears Doth occasion sin & propannes to increase among us to y^e Dishonor of God and the Insnareing of many children & servants by y^e Dissolute lives & practisses of such as doe liue from under family government & is a great Discouragment to those family gouerners who Conscientiously indeauor to bring up there youth in all Christian Nurture as y^e laws of god & this Comon wealth doe require." The constables were ordered to return the names of all who "Doe not serve there Parents or Masters as children apprentices hired seruants or Jorny men ought to Doe and vsually Did in o^r Native Country," etc.

‡Witness to the presentment, Robt. Hebbard.

§Witness to the presentment, Tho. Bishop.

to have their ferriage free during his life, upon condition that he make and maintain said way.

Samuell Bennett, presented for being overcome with drink in the town of Lynn sometime in November, 1673, was fined.*

Richard Adams was released from common training, paying 2s. annually to the use of the company.

Worshipful Major Wm. Hathorne was appointed for Salem and Marblehead, to give oath to whom shall be agreed upon from time to time, to be cullers of fish for either town according to law.

There being a complaint against Edw. Feaveryear for abusing, Wm. Lake, constable, when he demanded a rate of him, he was fined and ordered to pay 2s. to the constable.†

*Samuell Mower‡ testified that at the latter end of November, 1673, he saw Mr. Samll. Bennitt with another on the road near John Moors at Lynn, "& m^r Bennitt fell downe, & the other man called me to help him vp and I went, & asked y^e other man w^t m^r Bennit Ailed & hee Laughed, but sd nothing but we helped him vp: & I Led him a Litle waye vp the hill, & he could not speake, or did not speak rationallye, but Faultered: & when I Let him goe hee fell down turning round hee had a very high couler I judged hee had drunk too much." Sworn in court.

Jacob Knight, aged about twenty-nine years, deposed that he saw Mr. Bennit come along the street and fall down, and Goodman Stocker helped him up, etc. Sworn in court.

Samuell Bennit was presented as "liveing in Bostone." Sarah, wife of Jacob Knight, was also a witness.

†Warrant, dated July 21, 1674, for the apprehension of Edward February, signed by Daniel Denison.

William Lake's complaint: "I being at m^r Browns shop & collecting the Ministers Rate did demand y^e ministers rate of y^e sd February which I had done several times before & to y^t end had been with his wife before he came home he replied I might straine using many aprobious vilifying speeches calling mee pimp & y^t I should pay my Debts, and after many reviling insulting Speeches he stroke me violently upon the breast & graspt me both skin & flesh & made my flesh sore & it was with such violence y^t if I had not had hold of the staple of y^e Door he had beat me in to the shop upon my back, as I stood upon the threshold of y^e Door, and saide he would trample [me] under his feet, notwithstanding I gaue him no provocation either in words or deed, but in the moderate discharge of my office and behaved my selfe peaceably towards him."

‡ Autograph.

There being a petition presented by John Cogswell concerning a difference between him and Mr. John Gifford, in relation to his proceeding in marriage with Mrs. Margaret, daughter of Mr. Gifford, court seriously considering the case, declared that they could see no reason why the said John and Margaret should be hindered or delayed in marriage.*

*John Cogswell's petition, dated July 21, 1674, that the persons concerned, Mr. and Mrs. Gifford of Lynn and Mistress Margaret Gifford, might appear before the court for a hearing.

Mrs. Margaret Gifford affirmed that John Cogswell made a solemn promise to marry her daughter while Mr. Gifford was in England.

Special warrant, dated July 22, 1674, for the appearance of Mr. John Gifford, wife and daughter Margaret, "forthwith at the sight hereof," at 2 o'clock in the afternoon, to answer the complaint of John Cogswell, signed by Hilliard Veren,† by special order of the court.

Brief notes of Mr. Coggeswells & Mrs. Margaret Gifford's case, Mr. Gifford himself being at London: "About the middle of february last was 12 monthes hauing bene at m^r Giffords howse 2 or 3 times before, John Cogswell desired her that hee might haue liberty to speake with her: She Answered that she could not except it was her mothers mind or will. This was in the after noone that day. Next morning he Came againe. he asked M^{rs} Gifford her leaue that hee might speake with Margaret, her Answer was he might: & then shee went vp into the Chamber, & left them both below together & they were together aloane an houre or more. The next time which was within one weeke or fortnight after he went againe, & M^{rs} Gifford & her Daughter were then about going to Boston next morning, & M^{rs} Gifford did inuite him to stay all night. She said he should be welcome, but she had noe intertainment for his horse, soe he went away & Came againe next morning & he desired to Carry M^{rs} Margaret: she said she should be willing of it, but onely for the discourse of people & she said if the said Cogswell would Carry her selfe shee should be thankfull, & soe he carryed her, as farr as cap^t Marshallles: & then he asked her that he might Carry Margaret & she gaue him leaue. soe as they went m^{rs} Gifford haueing occation to speake with a man shee met upon the roade, & young Cogswell & Margaret offered to stay for her, m^{rs} Gifford bid them goe on; she would follow them, & they tarried upon the roade almost an houre for her.

"The next time (as they remember) John Cogswell Came to the house & m^{rs} Gifford was at Boston, or not at home, & the

† Autograph.

said Coggs well went home before M^{ris} Gifford returned, & in the meane time Margaret tould her mother John had bene there: The said John Coggs well Came time after time, till about the middle of the summer, & then she hauing some intelligence from Chebacco (as he supposeth) m^{ris} Gifford betweene John Coggs well & her selfe gaue her Consent that hee should haue her daughter, but desired that they would not be married till M^r Gifford Came home, if he did Come in some short time. In the meane time she haueing her mothers consent to proceed: the yonge folks did ingage themselues by promise to each other to adioyne together in marriage & this was three or foure monthes before any denyall. In the begining of January she gaue him a denyall, which was almost one yeare after his former incuragement was began. She saith after John Coggs well had bene at m^r Giffords twice, some of their neighbors tould her that John Coggs well came to be a suter to her & shee tould her mother of it, & she said shee heard soe too. And about 3 or 4 dayes after he Came to the howse, & she looking out of dores, she tould her mother m^r Cogswell was Comeing againe, & she said she did beleieue it was as they had heard. Soe he came in at dores & sat downe a while, & asked which was the way to Reading, & m^{ris} Margaret tould him hee Could not miss the way, but he semed much, that he desired that shee would shew him the way. But she was pritty unwilling, But m^{ris} Gifford seemed as if she should goe & shew him the way.

“So Margaret standing upon the threshold, John Coggs well desired to speake a word or two with her at a neighbors howse: She Answered, tould him it did not ley in her power, vnlesse it was with her mothers will, soe John went away & left her. Soe Margaret went to the dore & tould her mother that she vnderstoode what his business was, but she would not giue him liberty to speake with her without her leaue, for she had left it wholly to her. And her mother asked her if he was gone. And m^{ris} Gifford said she did beleue he would Come againe the next day & I said Margaret I beleue soe too. Soe accordingly he came the next day & Asked her Consent, which she granted, soe shee went up the stayers, & left them alone below about an houre or more. And after he was gone Margaret tould her mother what had past betweene them, And her mother said, she had nothing against him. She did not know what might bee, she liked him very well. Some times John Coggs well Came when my mother was not at home, but allwaies Margaret tould her mother what past betweene them, & when hee Came when m^{ris} Gifford was at home, she allwaise made him welcome. Aboute the latter end of August 73, there grew some difference betweene the said John & Margaret & one of their neighbors tould her mother of it. And her mother Asked Margaret, if it was soe. & she tould her yea, & she asked her what was the reason for it,

Capt. Tho. Marshall testified that in discourse with Mr. John Gifford this morning concerning the marriage, he said that if it was his daughter's mind to go, he would not hinder her, and further said Gifford told deponent and Mr. Purchass the day before that he would leave it to authority. Sworn in court.

John Floyd testified that the last winter Mrs. Gifford came to his house, and upon asking her about the marriage, she said she should not trouble about it until her husband came home and did not show any unwillingness. Sworn in court.

Mr. John Cogswell affirmed that while Mr. Gifford was in England and Mrs. Gifford had the disposal of her daughter, they agreed to the marriage, and Margaret owned in court that there was a solemn promise, which she should ever stand to, with said Cogswell.

John Clifford, constable of Salem, was allowed 5s. for whipping and branding Hanna Huchens.

Whereas the last Ipswich court granted an order for remanding the estate of Thomas James, deceased, out of the hands of Jeremiah Meacham, former administrator, and now finding that they were falsely informed, said Meacham desiring to be released, and understanding that the son of said James, deceased, and rightful heir is alive and will be of age within a year, it was ordered that the estate remain in said Meacham's hands, there being no one legally empowered to call him to account or give him a discharge.*

saying she did beleue it was because you haue heard your father was Coming ouer with good estate, & that neighbours would be apt to think soe too, & she was apt to thinke soe herselfe, shee said she was sorry for it, & wisht Margaret had bene wiser, you might haue kept him in hand till your father Came home, & let him haue broke it if margaret had bene soe minded. And afterward the yonge folke were reconciled againe themselues. And soe haue Continued to this day."

*Inventory of the estate of Thomas James, taken, Apr. 3, 1667, by Nathaniel Felton† and Michael (his mark) Shaffin: a chayne, 6s.; plowsheare & bolt, 6s. 6d.; payre of boxes, 8s. 6d.; old payre of cast boxes, 4s. 6d.; set of hoopcs, 6s. 8d.; total, 1li. 10s. 2d.

Petition of Jeremy Meacham of Salem: that about eight years since he was appointed administrator of the estate of said James,

†Autograph.

Whereas there was an execution levied upon the person of Joseph Armitage to the value of 22li. 4s., and his person being committed to prison, for satisfaction, to Mr. John Ruck, it being the remainder of a judgment of 51li. 12s. 6d., court ordered that said Ruck have said Armitage as a servant for seven years, next ensuing, or he was to abide in prison, provided said Ruck pay for his maintenance there according to law.

There being an order of the last court for laying out the highway by Mr. King's farm between Lin and Marblehead, the return was allowed and filed.*

Also the return made by Mr. Hen. Bartholmew of the highway in Beverly town, by Robert Hebert's and Thomas Chub's land, was allowed and confirmed.†

and had been to considerable expense to preserve it, and a complaint having been entered at the last Ipswich court, charging him with waste, which charges were proved false, he asked to be continued as administrator.

*Henry Bartholmew† and Edm. Batter,‡ 6 : 10 : 1673, determined "1. That the upward way which Runneth thro the woods knowne by the Name of the new way from Darnells house || to Lyne || shalbe the settled Country highway, 2 that from Darnells house to the corner of Edward Richards fence next to Lyne Towne the way shalbe foure Roads broad, & from thence to the Towne three Roads broad."

"And wee say further: as to Mr Ralphe Kinge chardges layd layd out About the form^r highway wh. Runs neare the saide Kinge land and what else he disbursed in the pursuance of a setlm^t of the way The towne of Lyne shall alow the said Kinge ten pounds in some good pay to his satisfacon puided if any difference about the pay & they cannot agree; then those apoynted for the setlm^t of their differences or the maj^r part of them shall end it for them, and the said Ralph Kinge shall enjoy haue and possese the highway formerly layd out by his land to him and his heirs foreuer Free from all Title or clayme from the Towne of Lyne or any other whatsoever."

†Henry Bartholmew† and Tho. Fiske,‡ 3 : 2 : 1674, "determined the line eastward to run from the Corner of Chubbs fence to a bound tree beetweene Marke Hascall and osmund Traske and from that tree to a stake on this side the smithes shopp as the fence now runneth and from the sd stake uppon a strait line to the fence at the foote of the hill belowe the pounce and in bredth to be foure Rodd wide from the foote of the hill vnto the afore sd bounde tree beetweene Traske and Hascall and from

‡ Autograph.

Allowed to the servants of Mr. Gardner's house, for both sessions, 10s., to Mr. Gedney's servants, 4s., to Mr. Browne's maid, 2s.

the sd tree the bredth of the way to be vnto a stake over against it on the west side and from that stake to the Corner of Chubbs fence to be the west line."

Writ: Dudley Bradstreet of Andover v. Edward Richardson, jr., the boatman; for not delivering goods received on board the bark Adventure, according to receipt dated Nov. 21, 1673, and carried on freight to be delivered at the house of John Griffin at Bradford; dated Apr. 14, 1674; signed by Dudly Bradstreet,* for the court; and served by John Baily,* constable of Newbury. Bond of Edward Richardson.* Wit: Wm. Chandler* and John Bartlett, jr.*

Writ: John Wells of Newbery v. Samuel Shepherd; debt to be paid in wheat, rye, work or Indian corn; dated June 23, 1674; signed by Nath. Saltonstall,* for the court; and served by Robert Ayers,* constable of Haverhill, by attachment of house and land of defendant.

Writ: Capt. William Gerrish v. the Town of Newbury; debt of 20li. which was disbursed for the town's use; dated June 21, 1674; signed by Anthony Somerby,* for the court; and served by Henery Skerry,* marshal of Salem, by attachment of Newbury common land between Anto. Morss, jr. and Henry Jacquish, which runs up to Capt. Wm. Gerrish's pasture.

Copy of discharge, dated Apr. 29, 1660, given by Samuell (his mark) Benit of Rumney Marsh, yeoman, to Mr. Henry Web of Boston, merchant, for all debts transacted in relation to the Iron works. Wit: Edward Hutchinson, William Osborne and Joseph Rock. Sworn by Edw. Hutchinson, July 21, 1674, in court at Salem.

Thomas Laughton,* clerk, certified that at a town meeting in Linn, June 11, 1674, William Merream and Nathanyell Ballard were chosen constables. At the same meeting William Crofts,* constable, returned the names of Mr. Edward Needam, Mr. Henare Roids, Mr. John Hathorn and Mr. Danyell King, for the jury of trials.

Zacheus Curtis* charges in 1674 for John Godfrey, 2 days work about getting him out of prison at midsummer court the last year, etc.

John Johnson agreed, Apr. 16, 1674, not to prosecute the action against Thomas Remington concerning the gate at ox-pasture, provided said Remington signed a bill for the payment of the debt and 10li. in good neat cattle, also 3li. 5s. court charges. Wit: John Pickard* and Daniel Wickam. Sworn, 2 : 5 : 1674, in Salem court.

* Autograph.

COURT HELD AT IPSWICH, SEPT. 29, 1674.

Judges: Mr. Symonds, Dep. Govr., Major Genrll. Denison and Major Wm. Hathorne.

Grand jury: Mr. Jonathan Wade, Mr. Fra. Wainwright, John Burnan, John Denison, Tho. Clarke, Caleb Moody, Ens. Steph. Greenleafe, Nathaniell Clarke, James Bayley, Ezekiell Jewet, Wm. Foster, John Redington, Steeven Johnson and Samuel Gage.

Jury of trials: Left. Sam. Appleton, Daniell Warner, John Addams, Henry Bennet, Samuell Bishop, John Bartlett, Thomas Hale, Hugh Marsh, Ezek. Northend, Thomas Tenny, John Pearson and Ephra. Dorman.

Jafery Curier of the Isles of Shoals, upon an attachment dated June 27, 1674, and signed by Peeter Twisden, returned to Ipswich court by Gregory Williams, constable, came before Mr. Samuell Symonds, Dep. Gov. and Major Genrll. Denison, on Aug. 29, 1674, and acknowledged judgment to Mr. Francis Wainwright.

Will of Robert Haseltine of Bradford, dated Oct. 25, 1673, and proved by Mr. Shuball Walker and David Haseltine. He appointed his wife Anna Haseltine and son David Haseltine executrix & executor, mentions grandchild Anna Kimball, daughter of Caleb Kimball, Mr. Zachry Simms, minister of Bradford, sons David, Abraham, Robert and Gershom Haseltine, and daughters Anna, Mercie and Deliverance. Wit: Shuball Walker. [Original on file in Registry of Probate.]

Inventory of the estate of Robert Haseltine of Bradford, who deceased Aug. 27, 1674, appraised, Sept. 19, 1674, by William White and Shuball Walker, amounting to 488li. 8s. [Original on file in the Registry of Probate.]

Administration upon the estate of Isaack Browne of Newbury was granted on May 21, 1674, to Rebecka Browne, his widow, who was to bring in an inventory to the next Ipswich court.

Inventory of the estate of Isaake Browne of Newbury, taken June 8, 1674, by William Titcomb and John Emery, jr., amounting to 369li. 8s. Agreement as to the division of the estate among his son Thomas and the daughters, with petition of the widow Rebecka Browne for the appointment of her brother Francis Browne and her uncle John Emery as overseers. [Original on file in the Registry of Probate.]

John Lovejoy, Henry Ingalls and John Barker took the free-man's oath.

Frances Wainwright v. Thomas Sevy. For refusing to deliver him possession of a dwelling house. Verdict for plaintiff.

Capt. Gerish, Rich. Dole and John Knight, sr., in behalf of the town of Newbury v. Mr. Richard Dumer. Withdrawn.

John Elithorp v. John Dodge. Debt. Withdrawn.*

The selectmen of Lin, in behalf of the town v. John Ottaway and Joseph Edmonds. Review. Verdict for plaintiff.†

*Benjamin Pickworth deposed that he being in company with John Ellithorp at John Dodge's mill, said Dodge desired Ellithorp to shingle the foreside of his house and the porch. After some discussion they agreed that Ellithorp should find shingles and lay them, and that Dodge should provide nails, etc. Sworn in court.

†Writ, dated Sept. 16, 1674, signed by John Fuller,‡ for the court, and served by John Ballard,‡ deputy for Nathaniel Ballard,‡ constable of Lin.

Summons to John Ottaway dated Sept. 16, 1674, signed by John Fuller,‡ for the court.

Samuell Benett, sr.,‡ of Rumley Marsh certified, 20 : 1 : 1673-4, that he sold to John Otaway only two ten acre lots. Wit: Rich. Walker‡ and Thomas Marshall.‡ Sworn in court.

Copy of papers in a similar action tried in Salem court, June 24, 1673, made by Hilliard Veren,‡ cleric.

Bill of cost of the selectmen of Lynn, 4li. 11s. 8d.

Wm. Hathorne, sr.,‡ deposed that all the land in controversy lay within Lynn many rods, much of it being within what were sometimes Mr. Whiting's and Mr. Cobbett's farms, also that Capt. Marshall and Thomas Newhall were lately appointed selectmen of Lynn, etc.

Letter of attorney, dated 25 : 7 : 1674, given by Thomas Laughton,‡ in behalf of the selectmen of Lynn, to Capt. Thomas Marshall and Thomas Newhall. Wit: John Hathorne‡ and Robert (his mark) Burges.

Joseph Armitag, aged sixty-seven years, deposed that about the year 1640 there were but two ten acre lots laid out in that part of the common, and he bought them, one of Michael Spencer and the other of Gerratt Spencer, and sold them several years ago to Samuell Benitt, sr., and gave him possession. Further, that the rest of the land in controversy was common, and that there were about seven or eight great oaks fallen upon this part of the land about a quarter of a mile from these two lots, which Joseph Edmonds owned he felled by Attaway's order. About thirty years ago, deponent was fined for trespassing upon this land by cutting timber, and that this land was a quarter of a mile within Lynn bounds. Sworn in court.

‡ Autograph.

Bozoon Allen v. Mrs. Jennet Whipple, widow. Verdict for defendant. Appealed to the next Court of Assistants at Salem. Bozoone Allen, Abraham Jewett and Philip Fowler bound.*

Copy of a record of a Lynn town meeting held, 4 : 6 : 1674, made by Thomas Laughton,† cleric: "It was voted & Agreed y^t the selectmen haue full power given them to psecute in a course of law against John Otaway & Samuell Bennett or any pson or psons yt haue laid claime or shall lay claime to any pt of the Townes comon & make use of the same as their owne propriety by cutting off wood or timber or any other way under any ptence and the selectmen haue power to psecute against any such to effect in a course of law."

Richard Walker, aged sixty-three years, deposed that he helped lay out the two ten-acre lots, and that they were near the dividing line between Boston and Lynn. Sworn in court.

Capt. Thomas Marshall, aged about fifty-eight years, deposed that he had known the land to be town common for thirty-six years. Sworn in court.

Copy of an agreement concerning the bounds of Boston, Charls-Towne and Lynn, taken from the town book of Lynn, 26 : 4 : 1674, by Thomas Laughton,† cleric: "Wee whose names are vnderwritten beinge appoynted by y^e court to settle the bounds between Boston & Lynn haue agreed to runn a more norwest line into the countrey from a Tree marked standinge close to Brides Brooke neere to the foote path to bee runn by a meridian compasse the propriety of any lands laid out to the Inhabitants of Lynn beinge not disturbed Anno 1639 subscribed by Abraham Palmer Timothy Tomlins John Oliver."

Copy from the town book of Lynn, given in under Elisha Huchinson's hand, made by Thomas Laughton,† cleric: "Beinge desired by the Selectmen of Lynn to runn a Line w^{ch} is betweene boston Land or rather m^r Samuell Bennetts Land & Land belonginge to Lynn I did runn a line nor norwest by a mirridian compasse or a Needle touched with his noe variation alowed: from the middle of Brides Brooke vntill wee cum to Readinge Line as wee supposed & neere the Scotch house att A cracht black Oake with a heape of stones aboute it wee fell aboute foure rods & a halfe to the westwards towards Boston Land and in the Line wee runn wee marked severall trees and laid heapes of stones and in the line over against Richard Georges house we fell aboute as much from a former marke which was a heape of stones as wee did att y^e Scotch House this Line was runn 22th of April 1671 accordinge to my best art and skill p Elishah Huchinson."

*Writ: Bozoune Allen v. Jennet Whiple, relict and executrix

† Autograph.

of the will of Thomas Dickerson of Rowley, and one of his heirs for after giving plaintiff possession of that part of the farm called Musseyes farm with the dwelling house and other houses and land, which was answerable to a judgment of the County court sitting in Boston in April last granted to him for 273li. 4d. by virtue of an execution, thereupon the said Jennet Whipple on such pretence got in a wily way into his possession and detaining it by force until by warrant from the honored Deputy Governor Samuel Simons Esq., dated Aug. 15, when by virtue thereof he was again legally instated into his possession, and since on her pretence that she was in suit for her title procured a warrant from the said Deputy Governor to undo what he had done, has again the estate in her possession, etc.; dated Aug. 19, 1674; signed by Jonath. Negus,* for the court; and served by Robert Lord,* marshal of Ipswich. Bond of Gennit (her mark) Whiple, John Pickard,* Jonath. Platts *and Nehemiah Jewett.*

Mrs. Gennet Whipple's bill of cost, 2li. 6s.

Bill of cost of Bozoun Alen, Richard Waitt and Return Wait.

Copy of execution, dated Boston, June 4, 1674, against Jeremiah Jewet, son and heir, and Phillip Nelson, executor of the will of Joseph Jewet of Rowley, deceased, to satisfy judgment granted Bozoun Allen of Boston, tanner, attorney to Edward Rawson, the only surviving overseer of the will of the late Bozoun Allen of Boston, upon the forfeiture of a bond at a county court at Boston, Apr. 28, 1674, signed by Isa. Addington,* for the court, and served by Return Wayte, deputy for Richard Wayte, marshal of Suffolk, who returned that he gave possession of the houses and lands of Jeremiah Jewitt of Ipswich to Bozoun Allen by turf and twig. Copy made by Isa. Addington,* cleric.

Copy of the record of a county court held at Boston, Apr. 28, 1674, made by Isa. Addington,* cleric, in an action of Allen v. Jewitt and Nelson, for not paying plaintiff his proportion due him by virtue of his late father's will, and also the will of his late mother Anne Allen, etc., with verdict for plaintiff. Court, on request of the defendant, chancered the bond to 270li. with respect to Bozoun's portion, and declared that the bond stands good to secure Mr. Rawson from the demands of the other of Mr. Allen's children.

Copy of bond, dated May 10, 1653, given by Joseph Jewet of Rowley to Edward Rawson and Jeremiah Houchin both of Boston, merchants. Wit: Thomas Broughton, Thomas Buttolph and Tho. Roberts. Acknowledged, 1 : 8 : 1653, before William Hibbens and recorded, Feb. 3, 1653, by Edw. Rawson, recorder. Copy made by Isa. Addington,* cleric.

Copy of the affirmation of Robert Lord, marshal, concerning serving the attachment, made by Isa. Addington,* cleric.

Copy of the will of Thomas Dickanson of Rowley, dated Mar. 8,

* Autograph.

1661-2, and proved Apr. 17, 1662, in Ipswich court by Samuell Brocklebank and John Trumble, the witnesses: "Imprimis my will is that my well beloved wife, Jennet Dickinson shall be my sole executrix for to pay all my debts and to pay my children those portions that I by will doe give unto them, and also to demand and recover all debts that are or may be due vnto me by bills bonds or otherwise, and to doe any thing belonging to such an executrix Item I will and give vnto this my beloved wife, halfe of my dwelling house, halfe of my barne halfe of my orchard and halfe of my swamp below my orchard and all my land above the barne about twelve acres, be it more or lesse and three acres of meadow one acre of it in Batchelder meadow & two || acres || in the North east field as also one acre more of marsh in the marsh field bounded by Deacon Jewets marsh on the west, and by marsh of John Pickards on the north, and also I doe give vnto her two gates on the Towne common all this I doe give hir dureing her naturall life Item I will and give vnto my son James Dickinson, the other halfe of my houseing barne orchard & swamp below the orchard, and all other my lands, meadows, and commons, that belong unto me, within the Towne of Rowley (excepting my village land, and two acres of meadow in the great meadow be it more or lesse)

"Item I Give vnto my son James Dickinson foure score acres of land more or lesse being my devission of land in that land commonly called merimack land butting against merimack River with the preveledges belonging unto the sayd fourscore acres of land, and likewise I doe give vnto my son James my houseing, barne, orchard, and swamp & lands above the barne and meadow and commons, that I have given vnto my well beloved wife for her naturall life, to be his unto his proper use & behoofe after his mothers decease, Item I doe further give vnto my son James my cart & plow & furniture belonging therto, also I give vnto him my loomes and furniture belonging thereto Item out of the rest of my estate that is in my villiage land & two acres of meadow in the great meadow that was before excepted and in my stock moveables, bills bonds or any other estate that is or may be due vnto me out of the remaining part of my estate I will & give vnto my foure daughters each of them one hundred pounds, and my will is that that fiftie pound that I have given vnto my daughter Sarah allredy shall be accounted as part of that which I now give, and if any of my children dye before they attaine to the age of twenty-one yeares or day of mariage then there portions to be devided equally among the rest, and if my son James depart this life haveing noe child then the one halfe of those lands I give him to returne to be equally devided among the rest of my daughters or there heires the other halfe I give vnto his wife, if then liveing to be for use dureing her naturall life and then to returne after her decease to be equally devided among my other daughters or there children if there be

any then living. Item I will and give (the three hundred & fiftye pounds being payd out of this estate that I heere apoynt for the payment of my daughters portions) all the remaineing part of that estate vnto my well beloved wife to be vnto her owne proper use, and to dispose of as shee shall thinke meete and my will is that my wife shall have her liberty to chuse which halfe of my dwelling house she will for to live in dureing her life And I apoynt John Pickard & Samuell Brocklebanke to be overseers." Copy made, June 30, 1674, by Robert Lord,* cleric.

Copy of the inventory of the estate of Thomas Dickanson, taken Apr. 15, 1662, by Maxemilian Jewett, John Pickard and Samuell Brocklebanke, and allowed Apr. 17, 1662, upon oath of Jennet Dickanson: apparell and bookes and one cloath cloke, 2li.; one stuff cloake, 1li. 5s.; one wastcoat, one dublit, one pr. breeches, 1li. 1s.; one hatt & paire of drawers, 12s.; one paire of bootes, 18s.; one bed, with the furniture, 9li. 10s., one bed more with the furniture, 8li. 10s.; one trundle bed with the furniture, 4li. 10s.; more bed linen, sheets & pillow beers, 3li. 6s.; in Table linen & a box, 2li.; one bed more with the furniture, 2li. 15s.; pewter, 1li. 18s.; brase kettells & skilletts, 2li. 13s. 4d.; Iron potts, skillet & brase pot, 1li. 5s.; woodden vessells as pailles & trayes and other milke vessells & earthen vessels, 1li. 5s.; beere vessells, 10s.; tongs, tramells & other utinsells, 12s.; one warmeing pan & frying pan, 5s.; one loome with the furniture, 1li.; two chests & one child's blankett, 1li.; one new webb of cotten cloth, 12li. 10s.; sheepe woole & cotten woole, 11li.; webb of woollen cloth, 4li.; one peece of course cloth, 15s.; armes for the furniture of one man, 1li.; malt, wheat, rye & Indian corne, 5li.; baggs, 2li.; backon, 1li.; one meal tubb, hogshed, sive, with all other old tubbs, 10s.; wheeles & cards, 5s.; chaires, cushens & tables, 1li. 10s.; one dwelling house, barne, orchard, and land below & above the street, 80li.; land at the north syde of prospect Hill, twelve acres, 70li.; six acres of earable land at the new plaine, 15li.; 3 acres of upland at the farm, 5li.; meadow fresh & salt 16 acres, 60li.; land at Merri-macke, 24li.; land at the villiage and two acres of meadow in the great meadow, 80li.; Gates, seaven & a halfe, 11li.; seaven cowes & heifers, 29li. 10s.; foure oxen, 25li.; 4 two yeare old cattell, 12li.; three calves, 5li.; one horse & mare & yearling foale, 32li.; eleven swine, 8li.; cart plows, yoaks, chaines & furniture belonging to the cart & plows, 6li. 10s.; sithes, sickles, forkses, axes, beetle rings, saws & other such like things, 1li. 17s.; saddle, pillion, cartrope, bridle, panell, 2li.; flax, 10s.; bees, 1li.; due to deceased by bills and bonds, 271li. 6s.; total, 816li. 2s. 4d. Debts to be paid, 7li. 10s.

John Pickard, guardian of Nehemiah Jewett, accepted for him, the dwelling house in Rowley, formerly Mr. Belingham's,

* Autograph.

with outhouses and orchards, five acres of rough marsh in the common field, ten acres of salt marsh, five acres of upland adjoining, four cow gates, four acres of marsh bought of Marke Quilter in Ipswich common field, seven acres in west meadow formerly Goodman Gage's and Goodman Kingsberry's and the rest of the upland lying between Willson hill and Egypt river, being the remainder of that land that Maximilian Jewett had for the two young children Joseph and Faith, the ten acres of salt marsh lying west of Mr. Nelson's fourteen acres, in the marsh farm.

Maximilian Jewett, being left overseer of the two youngest children, Joseph and Faith of the the late Joseph Jewett, accepted for them, the house upon the field that was formerly Goodman Gage's and Goodman Shatswell's, with the barn and land, also that piece of land lying between the house and Egypt river, with sixteen acres of land within the common fence bought of Goodman Lord and Goodman Kingsbury, also the farm that was John Bradstreet's containing four score acres of upland and meadow bounded southeast by Muddy river, also six acres of meadow bought of Humphrey Griffen and three acres bought of John Pinder, four acres of salt meadow bought of Marke Quilter, six acres in the west meadow formerly Goodman Gage's, with as much upland as comes to 64li. 10s., lying between Willson hill and Egypt river.

Jeremiah Jewett accepted the farm that was formerly Muzzeyes with all the land on this side Egypt river and all the meadow on the other side, "the upland that lyes betweene this meadow as it is taken in with the common fence, and bounded on the south west syde, to run a fence from the place, where one may goe over with a cart, right up the hill the nearest way to the comon fence."

Philip Nellson of Rowley accepted the farm that was Goodman Kingsbury's, containing 400 acres of upland, 20 acres of meadow, also 280 acres of upland adjoining.

John Carlton, guardian to Patience Jewett, accepted the farm that is let to Goodman Gage, also the house that is in the town of Haverill, with orchard and all the upland and meadow that is in the bounds of Haverill.

The five foregoing papers were copied from the second book of records of lands for Essex, by Robert Lord,* recorder, and Maximilian Jewett, Jerimiah Jewett, Phillip Nelson and John Pickard, John Carleton being absent upon a voyage, acknowledged the writings, Apr. 2, 1664, before Daniell Denison.

Copy of the will of Joseph Jewett, dated Feb. 15, 1660, and proved by the witnesses, Ezekiell Northend and Marke Prime, Mar. 26, 1661, in Ipswich court: "After my debts be payd I desire the rest of my goods may be equallye devided amongst my seaven children as well as those two that I have by last wife

* Autograph.

as the five I had before, allwayes provided that my eldest sonn Jerimiah Jewett must have a dubble portion of all estate I have, both in new England and old, whether psonall or reall, further pvided y^t one hundred pound I have allredy payd to my son Phillip Nellson, that shall be counted as part of what I doe now giue him .Item I doe give vnto my sonn Jerimiah Jewett the farme I bought of Joseph Muzzy I meane all such lands bought of him, or any other, that are on the norwest syde of the River called Egipt Riuer with all the meadow I bought of Nathaniell Stow & Robert Lord senior, pvided he acsept of it at five hundred pounds, and wheras in the forth line it is sayd I desire the estate of my goods to be equally devided amongst my seaven children I meane lands as well as goods, and if any of these my abouesayd seven children should depart this life before the age of twenty one yeares or day of mariage, then their portions shall be equally devided amongst the rest allwayes provided my eldest sonn Jerimiah shall have a dubble portion and as for my two youngest children & there portions I leave to the disposing of my Brother Maxemilian Jewett and who he shall apoynt when he departeth this life, and I make executors of this my last will & testament my Brother Maximillian Jewett and my sonn Phillip Nellson my sonn John Carlton and my sonn Jerimiah Jewett, allwayes free & willing that they shall be satisfied out of my estate for all such paines & labour that they shall be att concerneing the above p^rmises."

Jeremiah Jewett,* of Ipswich, on May 5, 1674, certified that whereas he made a sale of land to his father-in-law Thomas Dickenson of Rowley, deceased, by deed dated Feb. 13, 1661, and not receiving much in his life time, but since being forced by necessity for the discharge of his father's debts and children's portions of Capt. Bozoone Allin to whom he was engaged as executor as they came to be due, he had received of his mother-in-law Mrs. Gennett Whipple, relict of the said Dickenson and his executrix, considerable sums of current pay. This satisfied him for the land, except 50li. for which he now received a bond. Wit: John Pickard† and Nehemiah Jewett.†

Deed, dated Feb. 13, 1661, given by Jeremiah Jewett* of Ipswich to Thomas Dickinson of Rowley, for 500li., his whole farm in Ipswich, containing about 100 acres, with the house, barn, stables, outhouses, fences, wood, swamp, waters and commons, bounded on the northeasterly by land sometimes in the possession of Thomas Hamand of Watertowne and by land of Twiford West, on the southwest by the highway between Ipswich and Rowley, on the northwest by land of John Pickard of Rowley, on the east by the fence of Ipswich common field and on the southeast by land now in possession of Maxemilion Jewett. Wit: Maxemilion (his mark) Jewett and Georg (his mark) Kilborn. Ac-

* Autograph and seal.

† Autograph.

knowledge, Feb. 20, 1661, before Daniel Denison,* and recorded in folio 51 among the records of Ipswich court, by Robert Lord,* recorder.

Twiford West* and John Jewitt* deposed that they were requested by Abraham Jewett and John Ase to appraise the herbage, the mowing grass, with the fruits of the orchard which were upon the farm that was taken by Bozoun Allen of Boston by execution served on July 29, 1674. The grass they appraised at 7li. 10s., the pasturage for three months at 3li., the use of the house and barn and the fruits of the orchard at 2li. 5s., from that time until Mihilmas next. Sworn in court.

Ezekiell Northend deposed that he was present at the division of lands of Joseph Jewett among his children, and that Jeremiah refused to accept the Muzzy farm at 500li. until they made an addition to it. Sworn in court.

Maxemillion Jewet, aged about sixty-eight years, Jno. Pickard, aged about fifty-two years, and Ezekiel Northen deposed as to the division of the land, etc. Sworn, June 29, 1674, before Daniel Denison.*

Philip Nellson, aged about forty years, deposed. Sworn in court.

Jonathan Platts, aged about forty years, Nehemiah Jewet, aged about thirty years, and Ezekiel Northend deposed that on June 10, 1674, Leut. Richard Way, Marshal Wait and Bozoon Allen of Boston "came into the dwelling house where Jeremiah Jewett's family live, & asked of his wife where Jer. Jewet her husband was, she answered, not at home; Then was puld out an execution against Phillip Nelson & Jeremiah Jewet, which they sayd they had to levy upon his estate & asked If any appeared as Jer. Jewet: John Pickard answered, I am present to present you wth his estate to answer the judgment, & to sattisfie the execution, & then the officer who Read the execution said to Jer. Jewetts wife, show me an estate to Leaveie this execution on, she said there is Cattle (which as she spoke past by before the door in their vew) which my husband hath provided for that end: Then sayd Leut. Way we se Cattl, sheep, & horses, but we know not whose they be Jn^o pickard & Sarah Jewet Answered, they are provided for the end forementioned, & severall others sayd the same. Therfor take your due & other words to that effect: Leut. Way sayd they would not medle wth any catle, but required the officer to levie upon the House & Land: Mrs. Whipple being present told them the House & Land was hers, but Leut Way sayd I take noe notice of that" So they levied on the farm and John Pickard and Sarah had the neat cattle appraised, with two horses, two mares and one colt at 300li. 11s. 8d. Sworn, June 29, 1674, before Daniel Denison.*

Jno. Pickard, aged about fifty-three years, deposed that Jere-

* Autograph.

miah Jewet desired him in the latter end of the last winter when he was going to Boston to speak to Bozoone Allen about the portion which would ere long be due and to request him not to be troublesome to them as Mr. Rawson had threatened but take his portion as Josiah Hubert and the rest had done according to articles. Deponent did so, and said Bozoone seemed to be very fair and said he would make no trouble, this being about a week before he was of age. Then Jeremiah Jewet came to deponent's house and told him that he was afraid some persons would stir up Mr. Rawson and Bozoone, and therefore asked deponent to assist him in the payment if they made a sudden demand and he told him that he had forty neat cattle, thirty sheep and twenty swine, which he would send in a quarter of an hour. Sworn in court.

Abraham Jewit and John Acie deposed. Sworn in court.

Abraham Jewett deposed. Sworn in court.

John Juett, aged about thirty-seven years, deposed that he heard Jno. Pickard say that Thomas Dickinson wished to have a deed of the farm for fear that creditors should seize upon it for debt. Sworn in court.

Richard Wait, marshal, aged about seventy-four years, deposed. Sworn, June 26, 1674, before Edward Tyng,* assistant.

Tho. Lovell* and John Acie,* on 11 : 4 : 1674, appraised the housing and lands taken by execution from Jeremiah Jewett of Ipswich and Mr. Nelson of Rowley: housing and apple trees, 30li.; pasture land on the northwest side the river, 3li. 10s. per acre; plow lands at 4li. per acre, marsh at 4li. 13s. 4d. per acre, vacant land at 1li. per acre, heifer from Mr. Nelsons, 1li.

Nehemiah Jewett, aged about thirty-one yers, and Jonathan Platts deposed that they had money ready to loan Jeremiah when needed, etc. Sworn in court.

John Jewit deposed. Sworn, June 27, 1674, before Daniel Denison.*

Jno. Pickard and Nehemiah Jewett deposed. Sworn in court.

Ezekiel Rogers and Nehemiah Jewit, both of Ipswich, deposed concerning serving the execution. Sworn, Apr. 25, 1674, before Daniel Denison. Copy made by Isa. Addington,* cleric.

Copy of articles of agreement, dated Apr. 30, 1653, between Joseph Jewett of Rowley, merchant, and Ann, late wife to Capt. Bozoon Allen, deceased, Edward Rawson and Jeremiah Houchin of Boston, gentlemen; Joseph Jewett, in consideration of a marriage shortly to be solemnized between him and Ann, widow of said Allen, and with receipt of her thirds and 600li., the childrens' portions, agreed in case of his death to leave the 600li. to his wife, and also agreed that his wife might dispose of 100li. during her life to her children by said Allen; that the eldest son should be brought up to learning, kept at a good school, found in diet, apparel, and books until he should be fitted for the University,

* Autograph.

Mr. Francis Wainwright v. Roger Grant. Debt. Verdict for plaintiff. To be paid in codfish at 2 rials per quintal.

Mr. Wm. Hubbard and Mr. Daniell Epps, attorneys to Mr. John Cut v. Abraham Perkins. Review of an action tried at the last Salem court. Nonsuited.

Abraham Perkins v. Mr. John Cut. For disposing of 8,900li. of sugar. Withdrawn.

Ossmand Dutch v. Samuell Bishop. Debt. Nonsuited.

Margarett Bishop v. Nicholas Maning, Nathaniell Putman and Ens. Thomas Fiske. Forfeiture of a bond of recognizance

and to be there maintained; that the other children should be brought up to learning and be supported until the age of twenty-one or marriage; that said Anne might give away to any of her children, a feather bed, bolster and pillow, with a bedstead, covering, pair of blankets, pair of fine sheets, five pillowbeers, curtains and wrought vallance, livery cupboard and cupboard cloth of needle work suitable for the vallance, two wrought cushions, two tables, one chair, two wrought stools, two trunks, two chests, two cases with glasses, one silver tankard, one silver bowl, six silver spoons, two gold rings, one silver dram cup, with the childbed linen in the trunk; that Joseph agreed to pay to Priscilla, the eldest daughter of said Anne 20li. over and above her portion; also that the mares which Captain Allen left, mentioned in the inventory, be allowed to run with their increase as the profit of that part of the double portion of John Allen until he came of age, and that said Joseph pay to John, Priscilla, Ann, Deborah, Isaac and Bozoon Allen the portions their father left them in corn or cattle, when they become of age or are married, etc. Wit: Thomas Broughton, Thomas Buttolph and Tho. Roberts. Acknowledged, 1:8:1653, before William Hibbins. Recorded, Feb. 3, 1653, by Edward Rawson, recorder. Copy made by Isa. Addington,* cleric.

Copy of execution, dated Boston, June 4, 1674, against Jeremiah Jewet and Philip Nelson, to satisfy judgment granted Bozoon Allen of Boston, tanner, attorney to Edward Rawson, for 1500li. for the forfeiture of a bond, at the county court at Boston, Apr. 28, 1674, signed by Isa. Addington,* cleric, and served by Return Wayte, deputy for Rich. Wayte, marshal, who returned that Jennit Whippell, widow, would not give possession. Copy made by Isa Addington,* cleric.

Copy of Thomas Lovell's and John Acie's appraisal: housing and apple trees, 30li.; 15 acres, 27 rods of marsh, 70li. 15s. 6d.; 12 acres of plow Land, 48li.; 38 acres 1-2 & 12 rods of pasture land, 134li. 3d.; hay, 1li.; total, 283li. 15s. 9d.

* Autograph.

for not prosecuting an appeal. Verdict for plaintiff. Court moderated the bond of 20li. to 20 marks.*

Nathaniell Putman, in behalf of the owners of the Iron works at Rowly Village v. Ens. John Gould, Thomas Baker and Nathaniell Lenard. Trespass. Verdict for plaintiff. Appealed to the next Court of Assistants. Said Gould and Baker bound with John Baker and Joseph Saffourd, as sureties.†

*Writ, dated Sept. 21, 1674, signed by Robert Lord,‡ for the court, and served by Henery Skerry,‡ marshal of Salem, deputy for Robert Lord,‡ marshal of Ipswich.

†Evan Moris, aged about sixty-six years, deposed that he was at the works the evening before they were burned, and when Nathaniell Lenard left work, deponent never saw so much care taken to put out the fire as was that night, "thou I had ben a retayner to the workes 3 months bed and bord." Sworn in court.

Elizabeth Blichman and Jeremiah Hooe deposed that Nathaniel Lenord came into their house one Lord's day at night after said Elizabeth's master Gould was in bed and did aske my master and if hee should blow and worke at y^e worke my master made him this anser that hee Could not giue him power to worke without his Brother Thomas Baker was there or his Brother Androus and desired y^e s^d Nathaniel Lenord to goe to one of them or both before hee blowed: and my master told him what they did Consent to hee would: but he would doe nothing by way of incoriging him without them." Sworn in court.

Simon Bradstreet,‡ Daniel Denison‡ and John Putnam‡ certified that "Whereas we haue on the behalfe of the owners of the iron works this 6th of April 1674 reentred upon the iron works giueing libertie to m^{rs} Leonard for a weeke or fortnight to remoue her goods out of the house and haue since that made an agreement wth Sam^l Leonard by Nath^l Leonard to worke at the iron works for the making of iron wee doe heereby empower Ensigne John Gould or Thomas Baker || Tho. Andrewes or either of them || (that in case the s^d Samuel & Nathaniel shal not w^{thin} this fortnight putt the works into repaire according to agreement made wth them) to putt the s^d m^{rs} Leonard out of possession out of the said house & to remoue her goods, and in case the s^d Samuel & Nathaniel doe performe as aforesd then they the s^d m^r Baker & M^r Gould to take possession of one of the lower rooms in the dwelling house for the entertainment of another workman And doe further empower them to make prouision of wood coale & myne for the carrying on of the worke & supply of the workmen for that end. we doe also empower

‡ Autograph

Mrs. Jennet Whipple, widow and executrix, and one of the heirs of the estate of Thomas Dickanson, deceased v. Richard Waite and Returne Waite. Verdict for plaintiff. Appealed to the next Court of Assistants. Richard and Returne Waite were bound, with Thomas Marshall and Henry Skerry, as sureties.*

Daniell Wicom v. John Johnson. For illegally seizing a gate and a half in the east end ox-pasture. Verdict for defendant.†

Ens. John Gould v. Nath. Lenord.

John Hathorne v. Mr. John Gifford. Debt. For which he charged a bill upon Mr. John Paine of Boston who refused to

them to receive all the iron that shall be made & therewith to pay all workmen & to returne the remainder to the several owners."

*Writ, dated Sept. 22, 1674, for turning her out in the extremity of weather, signed by Shu. Walker,‡ for the court, and served by Nicho. Paige,‡ constable of Boston. Bond of Rich. Wayte,‡ Returne Waite‡ Willm. Hudson‡ and Jno. Williams.‡

Sarah Gile, aged sixteen years, deposed that she lived in the house in controversy when Return Wait came in to serve the execution and required Mrs. Whipple to go out for the house was Bozoon Allen's. She refused, and he took hold of her to put her out and asked Marshal Skirrey to assist him, which he did. They pulled her along, she taking hold of things to stay herself, and being too strong for her, forced her out of doors, it being rainy and nearly night. Sworn in court.

Mrs. Gennett Whipple's bill of cost, 2li. 3s. 8d.

Letter of attorney, dated Sept. 25, 1674, given by Rich. Wayte§ of Boston to Left. Richard Way of Boston. Wit: Ephraim Turner‡ and Jno. Williams.‡ Acknowledged, Sept. 25, 1674, before Edward Tyng,‡ assistant.

Jno. Pickard, aged fifty-three years, deposed that after the execution was served he found Mrs. Gennet Whipple standing in the rain out of doors, her head covered with her apron, and requesting shelter of Returne Wait and Marshal Skerry who stood under a pentice or house-side. She was forced to seek the neighbors' houses for relief. Nehemiah Jewet testified that he was also present. Sworn in court.

†Thomas Teny deposed that being overseer of a parcel of fence belonging to the ox pasture at Rowley, finding the part of it defective that belonged to the gate and a half in controversy, he told Thomas Remington and he said he would repair it, which he did. Sworn in court.

Copy of deposition of Daniell Wicum and John Acie, concerning the execution, taken from Salem court files of 2 : 5 : 1674, by Hilliard Veren,‡ cleric.

‡ Autograph.

§ Autograph and seal.

pay. Verdict for plaintiff. Mrs. Margaret Giffard, attorney to Mr. John Gifford, appealed to the next Court of Assistants, and was bound with Symon Tuttle and Joseph Lee as sureties.*

Samuell Mighill and Elizabeth, his wife v. Susan Tappan and Jacob Tappan, executors of the estate of Abraham Tappan. Debt. For a legacy given by their father. Verdict for defendant. Appealed to the next Court of Assistants. Samuell Mighill bound, with John Acie and Abraham Jewet as sureties.†

* Writ, dated Lynn, Sept. 17, 1674, signed by John Fuller,‡ for the court, and served by Nathaniell Ballord,‡ constable of Lyn, by attachment of the dwelling house of Mr. John Jeffard and upon the land adjoining, which Mrs. Gifford owned, and which he said was in partnership between Mr. Fogg and themselves.

Letter of attorney, dated Nov. 4, 1674, given by John Giffard‡ to his wife Mrs. Margaret Gifford. Wit: Christopher Temple.‡

"Mr Gifford m^r Zach: Philips hath oft been earnest with me to search my Books for nine pound ten shillings y^t you past a note on me to pay m^r Jn^o Hathorne of Lin but I cannot finde: you stand charged therewith y^{or} Freind Jn^o Paine. August 3^d 1674."

Thomas Marshall, aged about fifty-eight years, deposed that he knew Mr. John Gifford's hand very well and when Hathorne and Jefferd were at his house debating about the note, etc. Sworn, Sept. 30, 1674, before Daniel Denison.‡

Zakariah Phillips deposed that he went with John Hathorne of Lynn the past summer to Mr. Jeffard in Mr. Fogg's warehouse, and Jeffard refused to pay, etc. Sworn, 26 : 3 : 1674, before Tho. Lake,‡ commissioner.

‡Writ, dated Sept. 21, 1674, signed by Robert Lord,‡ for the court, and served by John Bayley,‡ constable of Newbury.

Samuell Mighell's bill of cost, 2li. 7s.

Abraham Toppan, sr.,‡ of Newbury certified, Dec. 9, 1670, that he had received of his son Jacob Toppan a young cow and four sheep which his son Samuell had had, amounting to 5li. 10s., and was in part of legacy due from his son Jacob to be paid before or after said Abraham's decease.

Henry Sewall‡ of Newberry, aged sixty years, deposed that his brother Abram Toppan, sr., delivered him a writing certifying that he had paid the cattle to his son-in-law Samuell Mihell, and asked deponent to keep the paper. Sworn in court.

Jacob Toppin's bill of cost, 1li. 6s. 6d.

John Atkinson‡ of Newbury certified, Sept. 29, 1674; that he had paid to Samuell Miall's wife 12s. about a year since for

‡ Autograph.

Thomas Judkin had his license renewed for a year, also his license to draw liquors.

Wm. Linkhorne acknowledged judgment to Mr. Francis Wainwright.

John Clarke of Great Island acknowledged judgment to Mr. Francis Wainwright.

Samuell Stickney having married the widow of Benjamin Gage, and court having ordered that when she married there should be security given for the payment of 20li. in goods to John Gage, son of said Benjamin Gage when he comes to age, said Stickney bound over a quarter of his farm lying in Bradford containing two-hundred acres.

Mr. Ezekiel Rogers dying intestate, court granted administration upon the estate to Margret Rogers, the widow, and there was an inventory brought in.

Thomas Meere dying intestate, administration upon the estate was granted to his brother John Meere, deceased, who was ordered to bring in an inventory to the next Salem court. Mr. Thomas Gardner and John Clifford bound for said John Meere.

John Atkinson, presented for striking one Akers, was fined.*

Jacob Tapin, which was a part of the legacy, etc. Sworn before Daniel Denison.†

Henery Sewell, aged about sixty years, deposed that Samuell Miell came to his house and said that he desired to build a barn but could not unless he sold some of his land which he did not wish to do. He asked deponent if he could not influence his father-in-law to give him a part of the legacy which he had heard he had left in his will, which he did and Toppan granted his desire. Sworn in court.

Ezekiell Northend deposed that he heard Jacob Tappin refuse to give Samuell Mighell his legacy. Sworn in court.

Susanna Toppan of Newbury, aged about sixty-six years, deposed that she saw her husband Abraham, now deceased, deliver the cow to Samuel Mighell, etc. Sworn, 29 : 7 : 1674 before Wm. Hathorne,† assistant.

Copy of will and inventory of Abraham Toppan made by Robert Lord,† cleric.

*Juda March deposed that Henery Ackers and John Adcasun were at their house about two months ago, when Ackers abused Adcasun with reviling words and abused his wife also, upon which Adcasun struck him a blow or two with his hand. Sworn in court.

† Autograph.

Hugh Marsh and his wife were acquitted of their presentment.

Court understanding that Abraham Whitehaire, deceased, left his will in writing but named no executor, administration upon said estate was granted to Edward Whithaire, his son, who was ordered to bring in an inventory.

Tom Indian, complained of by —, for striking and abusing her and endangering her life and that of her daughter, was fined 5li., and if it were not paid within a week, he was to be sold to pay it. Major Hathorne was to see it executed.

Capt. Richard More was licensed to keep an ordinary and to sell beer and cider, but not wine or liquors, for a year.

Quartermaster Perkins had his license renewed for a year, also his license for liquors.

John Sparke had his license renewed for a year.

The complaint against Thomas Tewksbery, lacking legal testimony, was dismissed.*

*"Much Honed Salisbury —pt. y^e 22, 1674

"S^r These Lins ar (being seneibl som blame Justly be charged for psuming to give you the trouble of this busnes) to excus it: the cheef cause was that his casse referring to the breach of Law in living from his wif: was with you alredy: & he dwell in your county & himself & neibours much desiring he might therfor com befor yo^r self rather then y^e court: & on the other sid considering if you saw not Reson to Isu it you coold soon bind him either to your court or ours I hoped it might be excusable

"I have hear inclosed his bond of appearanc Georg Marten & J Jemsons complaint & their declarasion which consists of Fower pticlars — The first the s^d Tusbury do not seem to owne before me: the 2^d he owned and sayd it was to see his Low condision by it as an adision to all his other afflictions: the 3^d he owned & sayd it was accasioned by words of Richard martns spoke first to y^t purpos The 4th he also owned but sayd it was to com about som lawfull bisnes then in hand about the land y^e s^d Thomas Tuksbury all These wear owned by him before me

"I have sent all the evidences that I have taken in the Case which will expect pay som whear and also the constibl for serving them & the complainer which I pray remember to order if the case be ended with you: not farther troubling you at psent take Leave to subscribe my self

"Yo^r worships most humb servant

"Robt Pike.†

Summons, dated Sept. 13, 1674, to Richard Marten and Mary his wife, to answer complaints against the said Mary for sus-

† Autograph.

picious carriages with Thomas Tuexbery, tending to evil consequences if not prevented, at the house of Robt. Pike, signed by Robt. Pike*, for the court.

Bond for appearance at Major Denison's court at Ipswich of Thomas Tuexbury, with John Bayly and Joseph Bayly, his son, as sureties, upon complaint of Georg Marten and John Jimson.

George Martinn's* and John Jimson's petition, dated Sept. 10, 1674, to the honored Major Pike to stop said Tuexbury's disturbances.

Left. Philip Chalie and Jaret Hadn, aged sixty-nine years, deposed that they were selectmen with Sergt. Hoyt, and understanding that Thomas Tuksbery was resident in the town at Sergt. Hoyt's house, they forewarned him that he must give a bond not to charge the town. They also understood that said Thomas had a wife and children in England, but Hoyt said he could stay because there was a letter signifying that he was free and could settle as other single men, which letter the widow Bartlett pulled out of her bosom, the letter pretending to be from a minister of his town in England. Seeing two hands on it, deponents conceived it to be some counterfeit thing to delude the widow and so they told her father, etc. Sworn, Sept. 16, 1674, before Robt. Pike,* commissioner.

Mary Marten and Naomy Hoyt deposed. Sworn, 16 : 7 : 1674, before Robt. Pike,* commissioner.

Thomas Fowler, aged about thirty-nine years, deposed that sometime before he loaned his horse to the widow Bartlet to ride to Boston to Thomas Tuksbery, he was at the said widow's house at Newbery and heard them promise to marry one another. Sworn, Sept. 2, 1674, before Robt. Pike,* commissioner.

Thomas Wells, aged twenty-seven years, deposed that the letter contained news of the death of said Tuxeberry's wife and that upon examination he found that the letter was written in one hand and the superscription in another, that the name subscribed was Charls Chere, as well as he could remember, who said he hoped said Tuxeberry would not forget to show a fatherly affection for his children. Further that the letter was directed by superscription to Henry Tuxeberry in New England, dwelling near Newberey and by inscription to Thomas Tuxeberry, etc. Sworn, Sept. 21, 1674, before Robt. Pike,* commissioner.

Susanna Marten deposed that hearing a rumor and being desired by several of her neighbors to go to her brother Hoyt's house concerning one Thomas Tukesberry whom they thought would be a trouble to her son Richard in making a disturbance between him and his wife, she went and spoke to her sister Hoyt. She asked her to forbear his coming to her house if it were but

* Autograph.

to stop the mouths of people, for their mouths were open, but her sister Hoyt replied "let them shut them againe, for here he should come in spite of your teeth or any bodys els, can we not entertaine a godly man for a stranger ile tumble your son out a doors I sayd againe if you doo hee have a fathers house to come too my cousin naomy Hoyt then spake thes words and sayd sister if I ware as you if unckell takesbery miggth not come to me I would goe to him for you cannot goe to better man then unckell takesberry is in my mind." Sworn, Sept. 16, 1674, before Robt. Pike,* commissioner.

Richard Marten, aged about twenty-seven years, deposed that this summer when Thomas Tuksbury had a lame hand at deponent's father Hoyt's, he told deponent that if he were in his place, "the case being as it is with my wif he wold go away from her & Leave her and go into another Country & mary another wif To which I sayd if I shoold so do my concienc wold tell me y^t I had a wif & it may be a child in another plac: his answer was ther wear good men in former time y^t had mor wives then on as namly daved which was a man after gods owne hart." Sworn, Sept. 16, 1674, before Robt. Pike,* commissioner.

George Martinn deposed that in a short time after his son Richard was married to Sergt. Jeret Hoyt's daughter, deponent's brother Hoyt told him that Tukesbery said he was sorry that his daughter was married no better, for her husband was but a poor man and had suffered disgrace at Hampton, but Amesbery men would live well as long as they had any land and he told him that although he had suffered disgrace at Hampton, it was not for running away from his wife. Also that Tukesbery said to Mrs. Hoyt that he had murderous thoughts to kill himself because her daughter was married. Also that Tukesbery asked William Samon, the ferryman, to bring over Richard Martinn's wife, and he would pay him for it.

Mary, wife of Left. Chalie and Mary, wife of Henry Blazdal, deposed that last spring Goody Hoyt told Tuksbery at Blazdel's house that her daughter was to be married to Richard Martin and he said that she would never love any man more than a fortnight and he wished he had never seen her face. He also said that when she lived on Newbery side, she kept such company in the night and there was such swearing and tearing that it made his hair stand on end and upon being asked by Goodwife Chalie how he could bear it, he answered that he had been fain to rise in the night and bid them be gone and that her sister Naomy was as bad as she. Also that said widow Bartlet said that she must have one at every port, and that she wooed Richard and not he her. Sworn, Sept. 10, 1674, before Robt. Pike,* commissioner.

William Saman, aged about thirty-eight years, deposed that

* Autograph.

about three years ago, Tuksbery being at Boston, he saw several letters that passed between him and the widow Bartlett, she being at Newbury. Deponent had seen them at Newbery kissing each other, etc. Sworn, Sept. 19, 1674, before Robt. Pike,* commissioner.

Mrs. Susana Goodin deposed that she rode to Newbery with the widow Bartlet when the rumor was that they were to marry and she told her that three of Tuksbery's children were to come over, one of whom was placed out and one his father was to keep. She further said that when her husband Bartlet was alive she thought it was impossible for her to have loved any other as she did him, but that she now loved this man better than she loved him. Sworn, Sept. 18, 1674, before Rob. Pike,* commissioner.

Wm. Gerrish,* Steven Grenlefe,* Richard Dole,* John Knight, sr.,* Thomas Hale, jr.,* Daniell Peirce,* Anthony Somerby,* Caleb Moody,* Joseph Bayley* and John Webster* certified, Sept. 14, 1674, that Thomas Tewxsbury had lived civilly and like a Christian. Nathanell Clarke* testified that the testimony against this man was of little consequence. "I have known the man euer sins he came to our town and neuer did know any euell of him."

Thomas Tewxsbery's* petition: "lett me beseech your worships to consider this my poore condition which I am at this time forsed to lay open before your worships to my greife thus it was that I was forsed to fly my contry & to leave my family & kindred for surtyship & when it was soe with me I Could not be satisfied noe wheare in that land but I must com to this country in soe meane estate that I was forsd to bind my selfe for my passage not longe after by the helpe of my brother got my selfe cleare & lived with him but very much troubled in the mean time my brothers neihbor died & the executor wild me to rent his tenament which after sum consideration I tooke it wiled by the advise of sum frends to send to my family which I have don to my best abelity whearupon I was willing to get if posible sum thing about me expecting every year their coming over & had noe encorigment from them that I might goe to them the times now being amended I have intended all this year to goe for them but god has ben pleasd to viset me with a great lannes whearby I have ben much disinabled & now I be sech your worships consider & see how this people seek to undoe me in state & good name by raising of storys & scandalls about many things that have ben past to or three yeare since not that I have done them any wrong but in suspition that I have caused diferences to arise between their son and his wife because I went to her mother to have my hand cured thay then livinge in house whith her mother the partys them selvs noe ways acusing me

* Autograph.

Abraham Perkins was allowed costs in an action brought by Mr. Wm. Hubbard and not prosecuted and in the action in which Mr. Wm. Hubbard was nonsuited.

Andrew Peeters had his license renewed for a year.

Capt. Paul White had his license renewed for a year.

Thomas Lovell, at his examination, said he would not come to meeting any more.

Samuell Younglove, complained of by Thomas Knowlton, was fined.

Samuell Hunt was fined for default.

Grase, Rich. Dole's negro, did not appear and an attachment was ordered.

Abigaill Linden was fined for fornication before marriage.*

Whereas the jury has declared several times that they are all agreed but one man and have been twice before the court, and yet Samuell Bishop dissents after the court has twice endeavored to satisfy him and he still remaining obstinate, court ordered a fine of 10li. to be imposed upon him unless he agree with the jury in the cases committed to them, in order that they may bring in their verdict at the adjournment of this court.

wherby your worshipe may see that its out of envy to me I be-
seech your worship to consider the condition that if they may
have their wills I shall not be able to goe to my family nor have
any thinge to pay my pasage."

Charles Anes† and Sarah Anes† deposed that they had known
Thomas Tewxbery ever since he came into the country, living
close by him and had been in his company early and late, but
never saw any uncivil carriage. They considered that he lived
in the fear of God and carried himself well all the time he lived
in the house with the widow Bartlet.

John Daves† deposed that "I lived in one end of the house
with Thomas Tewxbery most parte of the time he lived in house
with the widow," etc.

John Stevens† and Mary Stevens† deposed that they were his
next neighbors and he had milk of them and they never saw
any uncivil carriages, but oftentimes gave them good instruction
in the way of God to their comfort.

John Bayley and his wife testified that when he was at their
house, he carried himself well, etc.

*Warrant for Abigaill Lindell's arrest.

† Autograph.

John Downeing was ordered to be whipped upon his presentment.

These fines are lost: John Meager, 12s. 6d.; Sam. Dutch, 2s. 6d.; Roger Lancton, 2s. 6d.; Wm. Neffe, 1li. 6s.; Buffam and Willson, 5s.; Chard and Sprage, 1li.; Holmworth, 10s.; Abraham Marten, 5li.

COURT HELD AT HAMPTON, OCT. 13, 1674.

William Stoughton, Esq., president, and Major Pike, Capt. Nathl. Saltonstall and Mr. Samll. Dalton, associates.

Grand jury: Capt. Christopher Hussey, foreman, John Samborne, Robert Smithe, John Cass, John Robison, Danll. Hendrick, John Ilsley, Samll. Felloes, John Gill, Jarrett Haddon, Willi. Buswell and Henry Moulton.

Jury of trials: William White, foreman, Lt. Georg Brown, William Osgood, sr., John Stevens, jr., Phillip Grele, Samll. Flint, Georg Martyn, William Samborn, Nathl. Weare, Tho. Nudd, Abraham Drake and John Foulsham, jr.

John Souter v. George and Richard Martyn. Debt. Forfeiture of a bond, by which defendants agreed to save plaintiff harmless from Nathl. Winsly or for letting said Georg Martyn out of prison. Verdict for plaintiff.*

*Edward Colkot, aged about fifty-nine years, deposed that being at John Souter's when George Martaine was a prisoner under an execution of Nathanell Winslow, he went in pity to see said Martine and went from there to Salisbury. Coming to Major Pike's planting field, he met with Richard Martain, John Colby and Thomas Barnard, sr., with a horse, bridle and saddle which said Barnard and Colby were to appraise, which

From Samuel Dalton's Commissioner Records. See *ante*, p. 235.

Joel Judkin and Mary Bean, both of Exeter, married, 25 : 4 9 : 1674.

John Allin and Mary Andrews, both of Salisbury, married 24 : 6 : 1674.

Kensley Hall and Elizabeth Dudley, both of Exeter, married 25 : 7 : 1674.

Robert Smart, jr., and Elnell Pratly, both of Exeter, married 25 : 7 : 1674.

On May 7, 1674, Samuel Leavett was sworn constable of Exeter.

On May 23, 1674, John Browne, jr., v. Nicolas Lesson. For not satisfying him for a sled load of hay at Exeter about three or four years ago, delivered at the house of Moses Gillman. Judgment for plaintiff.

John Kiming, complaining against Charles Runlett for taking away his fence and giving him evil language, thereby putting him to great trouble in seed time, was to be admonished and pay all cost. John Young, surety.

On June 29, 1674, Mary Folsham, sr. v. Roger Rose. Debt. For diet and a cure that she did for his lad. Defendant did not appear and judgment was given for plaintiff, the evidence having been heard.

Court in altering four of the jury in reference to Hampton town cases declared that those cases should be tried successively, Brown against the town and Hugins against the town.

John Hugins v. the Town of Hampton. Review of a case tried at Salisbury court in 1673 for trespass, for felling town timber and fencing in the land. Nonsuited.*

John Cass v. Christopher Palmer. Trespass. For going over his land and laying claim to it, which land lay in Hampton, and was sometime in the possession of John Redman, jr. Verdict for plaintiff.

Danll. Ela, assignee of Mr. John Groth of Salisbury v. Tho. Davis. Debt. Verdict for plaintiff.

Danll. Ela v. Danll. Preston. For taking away 2,000 feet of deal boards at the landing place at Haverhill, called John Haseltine's, some time in May last. Verdict for defendant.

Samll. Hilton or his attorney v. Capt. Barefoot. For procuring an illegal execution against him and for imprisoning him in Dover goal contrary to law. Verdict for defendant.

Christopher Palmer engaged himself to respond to the foregoing case as defendant.

Christopher Palmer and Edward Colcord, attorneys to Edward Hilton, Willi. Hilton, Samll. Hilton and Charles Hilton, administrators and possessors of the estate of Mr. Edward Hilton, deceased v. Capt. Walter Barefoot. For boards delivered to Henry Kimball of Boston. Verdict for defendant.

James Sanders v. John Godfrey. For coming on to his ground and illegally taking and driving away a cow of plaintiff's. Verdict for defendant.†

they did at 3li. 13s. This horse was afterwards brought to John Soutre as security for getting George Martain out of prison. Sworn in court.

*Writ, dated Oct. 7, 1674, signed by Tho. Bradbury,‡ for the court, and served by Henry Dow,‡ marshal of Norfolk, by attachment of the common called the King swamp, who read the summons to six of the selectmen, to the wives of the seventh and eighth and left a summons at the house of the ninth.

†Joseph Peasley deposed that he heard Jno. Godfrey say that he would bring Peter Bruer the next morning to take the white-face cow away from James Sanders, which he did, and thereupon the latter took it away from them. Sworn, Oct. 13, 1674, before

‡ Autograph.

Jno. Brown, sr. and John Browne, jr. v. the Town of Hampton. For denying them a highway to their farm, which was granted by the town to Jno. Brown, sr. Verdict for defendant.

Robert Ring v. Nathl. Clarke. Review of a case tried on Mar. 5, 1672 at the Court of Assistants. Withdrawn.

Mrs. Katherine Hilton, relict of Edward Hilton, late of Exeter v. Edward Hilton, William Hilton, Samll. Hilton and Charles Hilton. Debt. For her thirds of the estate. Verdict for plaintiff.

Mrs. Katherine Hilton v. Arthur Benitt. Debt. For 1,500 feet of white oak pipestaves. Verdict for plaintiff.

Samll. Levitt v. Richard Scammon. For carting away about 1,000 white oak pipestaves, which were attached by Samll. Levitt, constable of Exeter, as the goods of Georg Roberts. Verdict for defendant.

Abraham Drake, sole executor of the will of Robert Drake, late of Hampton v. Edward Colcord and partners. Review of a case tried at the last Salisbury court in an action of trespass for fencing in a parcel of land granted for a way. Verdict for defendant.*

Nath. Saltonstall, commissioner. Copy made by Tho. Bradbury,† recorder.

Peter Brewer deposed. Sworn June 29, 1674, before Nathl. Saltonstall, commissioner. Copy made by Tho. Bradbury,† recorder.

*Edward Colcord's bill of cost, 1li. 12s. 10d.

Copy of will of Robert (his mark) Drake, of Hampton, serge maker, dated May 18, 1663, and proved 14 : 2 : 1668, in Salisbury court: "To my sone Nathanell Drake I will & bequeath six pound: and to my sone Abraham Drakes eldest sone Abraham Drake I giue twelue pound to my daughter Susanah Drake twelue pounds to my grandchilde Rachell Drake twelue pound to Jane Drake twelue pounds y^e w^{ch} are my sone Nathanells two daughters To my grandchildren Susanna Drake Sarah Drake Mary Drake Elizabeth & Hannah to each of them twelue pounds being y^e children of my sone Abraham Drake And to my sone Abraham Drake I will & bequeath the remainder of my estate being my house & house Lott wth my meadowes salt marsh & fresh wth six shares fower of Cowe Commons & two of oxe Commons wth all rights priviledges & appurtenances thereunto belonging my vplands & w^{ts}oeuer land as also my Cattall three steers two of seven yeare of age & one of fower two Cowes one

† Autograph.

Moses Gillman v. Joseph Rawlins. Debt. To be paid in white oak pipestaves for one mare and colt he bought of him. Verdict for defendant.

Henry Roby v. John Young. For withholding pay due him for the maintenance of the bastard child of Judeth Roby, there being 3li. 2s. 6d. due since the last Salisbury court. Verdict for plaintiff.

Phillip Grele v. Charles Hilton. For withholding a debt of 7,000 feet of pine boards which should have been paid in April, 1673. Verdict for plaintiff.

Martha Lamson, convicted for fornication and confessing, was sentenced to be whipped ten stripes severely laid on unless she pay 50s.

John Heriman and his wife, convicted for fornication and confessing, were ordered to be whipped, he twenty stripes and she fifteen, or pay a fine of 8li.

John Redman, sr., presented for being drunk, was fined. James Johnson was allowed witness fees.

James Kid of Exeter, for breach of the peace, with Jno. Clarke of Exeter, was fined.

John Clark of Exeter was fined for saying "y^t hee brought his rapier wth intent at y^t time of y^e broyle to doe unto James Kid as hee had before done unto him."

Benjamin Severans forfeited his bond for appearance to answer to fornication with Martha Lamson.

John Allen of Salisbury and wife Mary were fined for fornication.

Jabez Hendrick, convicted for night-walking and other mis-carriages, was legally admonished.

William Fifeild, jr., for striking Elizabeth Dow and using scurrilous and abusive language to her, was fined, and bound to good behavior.

yearlin Item my household stuff bedd & bedding brass & pewter Iron & lead w^tsoever all w^{ch} my mentioned estate I will & bequeath to my sone Abraham Drake my sd sone to pay y^e afore specified legasies to y^e severall parties as before given att one & twenty years of age, none to make any demand till a yeare after my decease Item if any of my grand children die before they bee of age their portion to bee divided equally amongst my grand-children yet liueing Item I will & giue to my sone Abraham Drake all debts dues bills bonds w^tsoever belonging to mee Item I Ordeine & Constitute my sone Abraham Drake my sole Exe-cuto^r." Wit: John Barsham and Giles Fullar.

Samll. Weed, presented for lying and cheating James Davis in the exchange of a gun with him, was fined for a pernicious lie. James and Samll. Davis were allowed witness fees.

Samll. Weed, presented for giving retorting and saucy language to the president of the court in saying that he might wear silver buttons if he paid for them as well as any man in the country, was fined 20s., which fine was remitted upon said Weed's humble petition in confessing his fault and professing his grief and sorrow for the same.

Widow Hannah Eyer and Nathll. Eyer having been bound for said widow's appearance at this court, and she not appearing on account of illness and inability to come to the court, the bond was remitted, and she having acknowledged the offence charged upon her according to Capt. Saltonstall's return, for selling cider, was fined, which fine was also remitted.

John Hussey and Rebecka Hussey, presented for not frequenting the public ordinances, were fined.

Tho. Chase, presented for not frequenting the public ordinances, and also for contempt of court in saying that "they want money lett them take it," was fined or to be whipped.

Henry Roby, presented for not keeping things convenient for the entertaining of strangers either for horse or man, which caused strangers to complain, was discharged.

John Clarke and James Kid were bound for the former's appearance to answer a complaint made by Robert Smart's negro called Bess, who charged him with being the father of her child.

Court ordered a warrant to be issued for court fees due from James Johnson, Jno. Smith, John Stanian, John Garland, Abraham Chase, Caleb Perkins, Tho. Cram, John Hussey, Jonathan Wedgwood, Tho. Chase, Capt. Hussey, Francis Jennins, Josiah Samborn, upon presentments at the last Salisbury court.

William Sargent did not appear as a witness in behalf of the country in a presentment against Samll. Weed about a gun, but afterward appearing and making excuses, court accepted them and he was ordered to bear his own costs.

Abraham Pirkins was sworn constable for Hampton for the ensuing year.

The town of Hampton was allowed until the next Salisbury court to provide them a schoolmaster.

Johanna Thing and Jonathan Thing were bound, with John

Samborn and William More as sureties, to administer the estate of Jonathan Thing, late of Exeter, according to law.

Robert Powell was discharged of his bond as surety for John Williams.

William Fifeild, jr., Benjamin Fifeild and Jacob Brown were bound for said Williams good behavior.

Georg Martyn and Walter Tayler were dismissed from all ordinary trainings, allowing to the military company of Amsbury 5s. and 6s., respectively, per annum to be paid the clerk of the company in corn. In case of non-payment, they were to pay a whole year's fine for non-appearance.

John Marian was freed from training in the military company of Hampton, without any further pay.

Bartholemew Heath was bound to administer the estate of Joseph Heath, deceased.

The administratrix of the estate of Jededia Andros was ordered to bring in an inventory to the next Salisbury court.

Court ordered that the dwelling place of the present keeper of the prison of Norfolk county be within the precinct of the prison.

Teage Disco was ordered to pay 3s. per week toward the maintenance of Mary Parker's bastard child until the court should take further order.

Elizabeth Roby, wife of Henry Roby, was ordered to be committed to prison for her contemptuous carriages in open court. Upon her confession that she was very sorry, the sentence was remitted.

Court ordered a rate of 30li. to be levied.

Court allowed 10s. to the servants of the house and other lodging places of the court.

Writ: Samuel Davis of Haverhill v. Edward Richardson, jr.; for taking away 1,000 white oak pipestaves from the landing place near Holt's rocks on Merrimac river without order; dated Oct. 3, 1674; signed by Nath. Saltonstall,* for the court; and served by Joseph Pike,* constable of Newbury.

Writ: Daniel Ela of Haverhill v. Mr. Anthony Ashby; debt due by specialty, in which he was bound with Moses Tiler of Rowley Village, for non-payment of 1,000 pipestaves; dated Oct. 5, 1674; signed by Nath. Saltonstall,* for the court; and served by Robert Ayer,* constable of Haverhill.

* Autograph.

COURT HELD AT IPSWICH, NOV. 4, 1674, BY ADJOURNMENT.

Richard Dole's negro Grace, presented for fornication, was to be fined or whipped.

Juniper, John Hale's negro, presented for fornication, was to be fined or whipped.

Capt. John Weaver, presented for cursing and swearing, was fined.*

Robert Starkweather dying intestate, administration was granted upon his estate to Jennett Starkweather, his widow, and an inventory of about 20li. having been brought in and there being eight children, court ordered 5s. to each child and the remainder to the widow.

Thomas Lovell, sr., and Thomas Lovell, jr., were admonished upon their presentments.

Roger Darby and his wife were admonished upon their presentments.

Obadiah Wood, not appearing to answer his complaint, court declared his bond forfeited. Afterwards he came into court, and upon hearing the case, court declared him to be the reputed father of the child and he was sentenced to pay 40s. in corn to Samuell Hunt for his charges and 3s. per week to be paid to Mary Talbut every week or at least 12s. per month where she dwells.†

Writ [torn] Teage Cartey and — v. John Younge, and Edward —, dated Aug. 14, 1674, signed by John Hall,‡ for the court, and served by Samll. Leavit,‡ constable.

Execution, dated May 25, 1674, against Mr. William Symonds, in satisfaction of a judgment granted Phillip Greele, 14 : 2 : 1674, at Salisbury court, signed by Tho. Bradbury,‡ for the court, and served by Henry Dow,‡ marshal of Norfolk, who levied upon boards at the mill which were appraised by Henry Moulten and Thomas Meakins at 11s. per thousand.

*John Kent and Jonathan Woodman, both aged about twenty-eight years, deposed that some time the past summer being at the warehouse of Capt. Whit where Capt. Wever kept shop, upon some discourse between "Benjamin Lowel and himselef he said that hee was a churh member the Devell in hell rott all such churh membres, and we haue herd him swere by the name of god sevell times." Sworn in court.

†Petition of Obadiah Wood:‡ y^e poore petitioner cannot but be deeply sensible of the Righteouse hand of God against him in bringing such a greate trouble & affliction uppon him, by the

‡ Autograph.

accusation of Mary Talbet laying that to his charge, w^{ch} he knowes in his hearte he is wholly innocent of, and does not doubt, but one day he shall be soe found; before the Righteous Judge of Heaven & Earth, for that he did contrary to y^e advice of all his friends especially his Father (whose counsell & command he ought to have attended in matter of that nature) setting his affectiones uppon one, who hath thus requited him for the good will he somtymes bore to her your petitioner cannot deny but that by his familiarity wth her formerly, during the tyme he made love to her, he hath given oppertunity to her the sayd Mary to accuse him, as well as to others to suspect him as guilty, yett he most humbly requesteth soe much favour from you that you would be pleased to consider of such allegations as he is able to produce in his owne defence, w^{ch} he humbly ingageth shall be as free from reflecting uppon others as y^e circumstances of y^e thing will beare; and if uppon a vew of what shall be alledged against him & for him, the Honoured Court shall so meete to determine anything that may be matter of suffering to him he shall in all humility quietly submit thereto & endeavor to approove him selfe."

Allegations of Obadiah Wood in defence of himself: that no witness could be produced of his frequenting her company at unseemly times; that during her abode in town, she had been known to be much in company of young men; that at that time he was an earnest suitor but was scornfully used by her as many can witness, therefore he could not be accused of unlawful familiarity with her, when he desired to marry her and she would not have him, he living in the house with her; that she was known to be out all night without the consent of her master or dame Hovey or of her master Samuel Hunt; that he had ceased his attentions to her when Samuell Bowden, who lived at Steven Crosses house told him at his brother John Frink's house that she was a common baud; that Seth Story was with her near the river and they walked to said Crosses house, etc.

Examination of Mary Talbott, who accused Obadiah Wood, jr. She was bound, with Samuell Hunt, as surety. Sworn, June 10, 1674, before Daniel Denison.*

Examination of Obadiah Wood, who denied every charge. He was bound, with Obadiah Wood, sr., and John Sparke, as sureties. Sworn, June 10, 1674, before Daniel Denison.*

Judith Brewer, aged about thirty years, deposed that the same night Samll. Griffin was married, she heard Obadiah Wood say, etc. Samll. Griffin and his wife Lydia testified to the same. Sworn, June 27, 1674, before Daniel Denison.*

Elizabeth Hunt, aged thirty-seven years, deposed concerning Wood coming to see Mary at her house. Sworn, June 27, 1674, before Daniel Denison.*

* Autograph.

Samuell Hunt, complained of by Lift. Appleton for a pernicious lie, was fined.*

Mary Foulter deposed that Wood came to their house and she asked him about the story she heard about his hanging himself for Mary Tarbal. She told him that she would never marry him because she did not love him, and he said that he had asked Goodman Hovi to forwarn Seth Story, etc.

Elizabeth, daughter of Samuell Hunt, aged upward of fourteen years, deposed concerning what Wood said about her mother and grandmother. Sworn in court.

Anne Reading, aged about seventy years, deposed that Wood frequented the company of Mary Talbot from the time she came to live with deponent's son Hunt, etc. Sworn, Sept. 29, 1674, before Daniel Denison.†

James Fuler deposed that Wood said he would have Mary Tarball dead or alive. Sworn in court.

Elizebeth Foster, aged about twenty-one years, deposed that Wood and Mary were at her grandfather's house when he and her uncle Phillomon were not at home, etc. Sworn, before Daniel Denison.†

Seth Story, aged twenty-six years, deposed that when he and Wood worked together, he told Wood to remember how John Leigh fared at court for meddling "with other fokes fokes." Sworn in court.

Thomas Burnam, jr., and Thomas Waight, jr., aged above twenty years, deposed that they saw Seth Story and Mary together at Daniel Hovey's, as they were coming from Thomas Borman's on Saturday at twilight, etc. Sworn in court.

Anne Cotten, aged thirteen or fourteen years, deposed that about a month since meeting with Mary Talbet at Sam. Hunt's well, etc.

Sarah Helly deposed that, in the presence of Jonahs Gregry, Mary Tallbut told her that she did not care a straw for Wood but only kept company with him to make a fool of him and that Seth Story was worth a hundred of said Wood, etc.

Sarah Hely and Elizabeth Harendon deposed concerning what Mary told them. Sworn in court.

John Dane, sr., deposed that Obadiah Wood boarded at his house when he came from Daniel Hoveyes, etc.

Hester Hovey testified concerning Mary's treatment of Wood.

Martha Woodine testified that passing Master Wainwright's house one morning, Samuell Bowden told her of his relations with Mary Talbut.

*Mary Goodhue and Thomas Sparke deposed that Samuell Hunt and his wife said that Lt. Samuell Appleton gave a charge

† Autograph.

Nathaniell Browne, for his presumptuous, rash and peremptory speeches and testimonies, was admonished. Left. Appleton was to pay costs.*

to the constable to take nothing but money or else they must go to prison, and Mistress Darby proffered all her plate to let him stay one night in her house, but he would not. Sworn, Nov. 4, 1674, before Daniel Denison.†

Thomas Wait, jr., testified that he saw the horse in controversy in Goodman Hunt's yard and Samuel Hount, jr., told him that they had made an exchange with Daniel Hove for a mare, etc. Sworn, Nov. 4, 1674, before Daniel Denison.†

Thomas Fuller, aged seventeen years, deposed that being at Goodman Poters where Samuel Apeltun, jr., and Samuel Hunt, jr., were discoursing about the horse, etc. The next morning said Apeltun and Crestifor Bouls let out the horse, etc.

John Dane, aged about sixty-two years, testified that the horse ran into his pasture, etc.

Henery Skerry, aged above seventy years, deposed that Quartermaster Perkins was told not to take anything but money, etc. Sworn in court.

Samuell Appleton's bill of cost against Samuell Hunt, 1li. 12s., against Natha. Browne, 1li. 8s. 6d., against Christopher Bowles, 1li. 1s.

*John Chote, aged about forty years, deposed that at the last Ipswich court in March, he was at the Quartermaster's house-side with John and Nathaniel Browne and asked Nathaniel if he could testify anything concerning the horse of Appleton's and Hunt's and he said no but that John Lines had told lies enough about the horse, etc. Sworn, before Daniel Denison.†

Alexander Tomsone, aged about forty-six years, deposed that he loaned Lt. Nath. Brown a pair of sheep shears the last shearing time and said Brown returned another pair, which he claimed were the same which he put in the bottom of his bag of wool before he went from home. Later his brother John brought back the right shears and deponent took the others home to Nathaniel, both their wives being present with them. Sworn in court.

Thomas Knoulton, aged about thirty-two years, deposed that coming from Salem with Nathaniel Broun he was boasting of downing Appelton's business and said that now he would set his sawmill to work and saw round pine trees for Hunt, for he had sawed long pine trees long enough for himself, and that Hunt kept them like lords for they wanted neither for meat nor drink, etc. Sworn in court.

Thomas Mentor, aged twenty-two years, testified that he

† Autograph.

was going to Mr. Rogers' for his master's horse which the latter had impounded with another horse, etc. Samuel Hunt, jr., took the other horse which James Foollar told him belonged to the Hunt's, etc., and which horse Nathaniel Brown said he had never seen before. Sworn, Nov. 4, 1674, before Daniel Denison.*

Nathaniel Browne deposed concerning the testimony he gave in to the court.

Mary Lambert, aged about sixteen years, deposed that when her master Browne sheared his sheep, Nathaniell Browne and Bernard Thorne were helping in her master's stable. Said Thorne exchanged the shears when Nathaniell Browne was not there, which occasioned the trouble.

Willyem Knowlton, aged about twenty-nine years, deposed concerning what Nathaniel told him about his testifying. Sworn in court.

William Knoulton, aged about thirty years, deposed that he being at Nathaniel Brown's house, where "now he liveth," etc. Sworn, Oct. 5, 1674, before Daniel Denison.*

John Line testified. Sworn, Sept. 22, 1674, before Daniel Denison.*

John Browne deposed that he was mowing in his father's marsh, etc.

John Browne, aged about thirty years, and Andrew Burly, aged about sixteen years, deposed.

Nathaniell Browne's answer to the charges of false swearing.

Joseph Knowlton, aged about twenty-five years, deposed that being in the woods with Nathaniel Browne, etc. Sworn in court.

Nathaniell Browne's* petition to the court: that he and his wife were troubled by Thomas Knowlton and he asked the court to find some way in which they could live peaceably among their neighbors; that people blamed them for not complaining before, but they looked upon said Knowlton as a notorious lying fellow who did not mind what he said of any person, and so he desired Mary Fowler and his wife not to say anything about it; that finally they asked Goody Leigh's advice, also Goodwife Rust, and told the latter what Knowlton had said about her, which provoked her, but now they were as intimate as ever; that Mary Fowler would have testified to what said Browne could tell but Goodman Willson had threatened to have her whipped if she said anything if it cost him a hundred pounds; that Thomas Knowlton always took great delight in all manner of lascivious discourse and nicknaming of people so that said Browne could hardly bear it, but so many persons knew his manner of life and discourse, that he did not wish to meddle, etc.

Another petition in which said Browne complained that all his trouble came from Thomas Knowlton and his wife, as it

* Autograph.

Samuell Hunt, upon his complaint against Lift. Sam. Appleton and his son and Christopher Bowles and the manner of his carriage about it, was admonished, and ordered to pay costs.*

Sarah Younglove's complaint against Thomas Knowlton, being above a year old, was dismissed.

Renold Foster, jr., was released from training paying 5s. per year to the use of the company.

Mr. Thomas Braghton acknowledged judgment to John Graves, as attorney to Mr. Samuell Hall.

Given to the house, 6s. 8d.

Reckoned with the Treasurer on Apr. 22, 1675 and all accounts cleared, except the court in March last, to this day, and there remains due to the county, 6li. 5s. 2d. Besides there are bellows and hats that are yet in the Treasurer's hands "to be made the best on."

COURT HELD AT SALEM, 24 : 9 : 1674.

Present: Worshipfull Samll. Simonds, Dep. Gov., Maj. Genll. Daniell Denison and Majr. Wm. Hathorn.

Grand jury: Nathaniell Putnam, Thomas Rootes, Wm. Trask,

appeared from John Loe, Knowlton had raised a scandal about his wife in which there was no truth, and had set neighbors together by the ears, especially Samuell Younglove and Daniell Hovey so that suits were entered; also that Goody Story, the wife of Sammuell Younglove, the wife of Joseph Gidings and the wife of John Bare could also testify in Browne's favor; that if the court did not "take some care and pity upon us on this side of the River," they would be ruined; further his wife desired to come into full communion but when Knowlton heard of it, he was so filled with envy that he went to the elders and made a great clamor against her, but only showed his own malicious spirit.

*Samuell Hunt's complaint was for taking his horse from his stable and at another time from the custody of Thomas Boreman.

Samuel Hunt deposed that he asked Sam. Piping to see how old the colt was and he said four years, and when they came to the lane that turned to Esia Wood, etc.

John Frinck, aged about twenty-six years, deposed concerning Goodman Wood bringing a colt to Nathaniell Addams. Samuell Addams deposed the same. Sworn, 31 : 1 : 1668, in Ipswich court.†

† This paper belongs in the case of Wood v. Adams. See *ante*, vol. IV, p. 7.

Joshua Rea, Joseph Huchenson, Nathaniell Walton, Henry Herrick, James Moulton, jr., Hen. Lee, Jeffery Parsons, Hen. Collens, sr., Ensigne Bancraft and John Burrill.

Jury of trials: Mr. Eleazer Hathorne, Mr. John Price, Mr. John Higgenson, Israell Porter, Frances Nursse, James Dennis, Peeter Woodbery, Charles Gott, William Haskall, Robert Rand, Jon. Newhall, jr., and Ezekieil Needham. Nicholas Manning was chosen in John Porter's and Antho. Ashbye's case, in place of Israell Porter.

Mr. Samll. Gardner's fine for absence from the grand jury was respitted.

Hugh March, sr. v. Benjamin Lowell. Verdict for plaintiff.*

*Writ: Hugh March, sr., of Newbury v. Benjamin Lowle of Newbury; for not keeping his servant Hugh March, jr., and for not providing for him sufficiently in time of his sickness, also for not teaching him his art or trade according to indenture; dated Nov. 17, 1674; signed by Anthony Somerby,† for the court; and served by Joseph Muzzey,† constable of Newberrey, by attachment of house and land of defendant.

Hugh Marche's bill of cost, 2li. 10s. 2d.

John Dole, aged about twenty-six years, deposed that about the 17th of this month Hugh March, sr., desired him to go with him to Benjamin Lowle and ask him to take his son, Hugh March, jr., as his servant again, but Lowle refused unless it were upon a new agreement. The next day March tendered his son in the presence of Richard Bartlet, sr., Caleb Moodey and deponent, but he still refused. Hugh March, sr., demanded 20li. of said Lowle for the keeping of his son. Sworn, Nov. 23, 1674, before Robt. Pike,† commissioner.

Richard Bartlet, sr., aged about fifty-three years, deposed that Lowle refused to take March upon the old indenture unless he were as sound and in as good condition as he was when he went from him, etc. Sworn, Nov. 23, 1674, before Robt. Pike,† commissioner.

Indenture, dated Sept. 29, 1674, Hugh March, son of Hugh March of Newbury, of his own will and with the consent of his parents was apprenticed to Benjamine Lowle† of Newbury, blacksmith, for six years, to learn the trade of a blacksmith, and said Lowle was to perfect him in writing and casting accounts, in reading English and in the trade of making or mending locks. Wit: John Kent† and Robert Holmes.†

Daniell Ela deposed that he saw the young lad Hugh March at said March's house in Newbury when Mr. John Dole was

† Autograph.

† Autograph and seal.

called to treat him and they did not expect him to live through the night. He was lame in his knee for fifteen months and his thigh was very painful night and day, the flesh and bones being very sore. Deponent saw him often and was called to dress the leg, and Hugh had gotten so much cold and numbness, together with his melancholy, that all the means they used did no good for a long time. Sworn, Nov. 20, 1674, before Nath. Saltonstall,* commissioner. Thomas Davis, aged seventy years, deposed that he was working for Hugh March, sr., while the boy was there, etc. Sworn, Nov. 20, 1674, before Nath. Saltonstall,* commissioner.

Jno. March deposed that when his brother was sick at Lowle's house, "I was Ryding along in y^e street, & about y^e midway between my fathers House & y^e House of Benjamin Lowle I mett with Benjamin Lowle: Hee Asked mee whether I was going with a pilion behinde mee: I saide, to his house for to fetch my Brother if you will lett mee haue him: hee made mee this aunswer, thats very well, & no more that I doe remember: then I went to y^e house & Asked his Dame whether shee would lett mee haue my Brother to cary him home, & shee saide yes shee went to him & fitted on his cloathes and helped him downe y^e staires, & shee & her mother helped him upon y^e hors & wrapped y^e Cloaths about him & I brought him home. . . . I did lay with him two nights at his master lowl's house when hee was sick, & y^t y^e thing hee lay on was a Cotten wooll bagg, or such like thing, filled with Chaffe & straw & vpon it was a piece of old Curtaine, & his couering was an old Cotten Rugg & a Sheet w^e was all y^e Bedd-cloathes hee had, in y^e Coldest winter night y^t Came. Hugh March, jr., testified to the same concerning the lodging. Sworn, Nov. 23, 1674, before Robt. Pike,* commissioner.

Judith March deposed that she went to Lowle's to see her son Hugh, and told said Lowle that she was busy and could not attend to him and that he must have a doctor for him. When the doctor came he said the place was not fit for a sick person to be in on account of the coldness of the room. "his dame urged mee to take him home. I was not willing & gaue her reason for it, as y^t wee were building of our house & had many workmen to lodg, besides y^e occasions of y^e Ordinary: And her Aunswer was to mee, shee could not Attend him to goe upp & downe y^e staires therefore urged mee very hard to take him, & saide hee would bee better contented with mee for hee did nothing but ly & cry yesterday almost all day long, so hee was fetched from thence & remaines with us to this day." Sworn, 23 : 9 : 1674, before Robt. Pike,* commissioner.

Elizabeth Broune, formerly a servant to Hugh March of Newbury and of Jno. March, his son, testified that "y^e continuall hear-

* Autograph

William Barkwell v. Mr. Edmond Batter. Withdrawn.*

ing of his dolefull crying out night & day for a long time, was a great distraction to the family & his Attendance was extraordinary: & for a long time both his parents y^e Doctor & wee did think y^t hee would not haue liued vntill y^e morning: & helping sometimes to carry him from the bedd to y^e fire & sometimes lifting him to & fro & leading him, it was for a long time, most of y^e whole families work to Attend him." Also that Benjamin Lowle approved of what the doctor did and was glad that Hugh was in his father's house. "Hugh March, Jun^r Came in to his fathers House one bitter Cold night in y^e winter foregoing & was Asked from whence hee came, hee saide from Rowley, & Coming to y^e fire, in a litle time cryed out & was not able to stand still; his mother seeing what kind of breeches hee had on (which was two stiff lether things like boards about him) shee put her hand to see whether hee had any drawers on & ther was nothing but a Ragg, without side y^e hipp: & y^e inside of y^e thigh and so Rough, not like flesh but like some Rough board." Hugh's father was not at home when his son was brought there, etc. Sworn, Nov. 29, 1674, before Robt. Pike,† commissioner.

Hestor Holmes, aged about twenty-three years, deposed that Hugh's master was not at home when John March took him away and his dame was not willing that he should go, etc. Sworn, Nov. 23, 1674, before Robt. Pike,† commissioner.

Joanah Woodman, aged sixty years, and Ruth Lowle, aged twenty-four years, deposed that Hugh's mistress said that he was not fit to go abroad. Sworn, Nov. 23, 1674, before Robt. Pike,† commissioner.

John Dole, aged about twenty-six years, deposed that being called by Benjamin Lowle in late August, 1673, to his servant Hugh March, who was sick with a fever and a tumor or swelling in his knee, he found the place where he lay open in some places and not fit for one in his condition. Further he advised them to take him to his father's house where he could have better care, and later Benjamin Lowle came several times to see him and seemed to be well satisfied. Deponent told Lowle that he should attend Hugh until he said he should do no more for him. Sworn, Nov. 23, 1674, before Robt. Pike,† commissioner.

Harculés Woodman and Richard Dole deposed. Sworn, 23 : 9 : 1674, before Robt. Pike,† commissioner.

*Writ: William Barkewell v. Mr. Edmond Batter; for withholding his share of fish, and not giving satisfaction, upon a voyage made this last summer; dated 16 : 9 : 1674; signed by Hilliard Veren,† for the court; and served by Henery Skerry,† marshal.

† Autograph.

William Curtice v. Joseph Phippen, sr. Verdict for plaintiff.*

Henery Colborn testified that they made up their voyage with Mister Batters, and the fisherman's share was 26li. and the shoremen's share was about 31li. 12s.; also that said Batter accepted it and every man brought in his share, except Goodman Grinslate who died in the summer. Sworn in court.

Ed. Batter's† receipt to Willm. Barkwell, dated 15 : 7 : 1674, for 38 quintals of merchantable fish and two of refuse at 12s. per, from the ketch Entrance and company.

Ed. Batter's† receipt to Willm. Barkwell, dated 7 : 7 : 1674, for 42 1-2 quintals of fish.

Edm. Batter's† receipt to Henry Colburne & Co., dated July 10, 1674, for 59 quintals of merchantable fish and 19 1-2 quintals of refuse cod, with 5 1-2 of haddock and pollock.

Ed. Batter's† receipt to William Barkwell, dated 7 : 6 : 1674, for 39 quintals of merchantable fish, 17 quintals of hake and pollock, and 30 of refuse cod.

John (his mark) Homan of Salem, fisherman, certified that it was by his order that William Balkwell took out 8 quintals of fish for his own use for a debt which said Homan owed him. He also ordered him to pay fish to Isacke Foot and Isacke Williams. Wit: Henry Colburen† and Edward (his mark) Winter.

Account of the fish William Balkwell, shoreman, delivered: to the skipper, 35 quintals, and 6 1-2 refuse fish; to John Homan, 12 quintals, and 3 refuse fish; Goodman Grinslate, 5 quintals; John Lambord, 28 1-2 quintals.

Henery Colboren testified that Goodman Grinslat ordered William Balkwell to take out what he did, etc. Sworn in court.

*Writ: William Curtis v. Joseph Phipeny; withholding a debt; dated 5 : 9 : 1674; signed by Hilliard Veren,† for the court; and served by John Williams,† deputy for Henery Skerry,† marshal of Salem, by attachment of the house and land of defendant.

Daniell Rumball, aged about seventy years, deposed that Joseph Phipene, sr., was at his house the latter end of the summer and he asked said Phipene why it was that deponent's son and he could not agree but had to go to law. Phipene said that he was willing to pay in goods, etc. Sworn in court.

Joseph Phippen, jr., deposed that he was present when his father and Wm. Curtice made up an account of 20li. and it was settled. David Phippen deposed the same. Sworn in court.

Mordeke Cravit, aged about fifty years, deposed that he went into Goodman Curtis' shop about Aug. 20, 1671, and heard Phipene say to Curtis that when they had made up their accounts about Curtis' part of the sloop or any other account, he would pay him in money. Sworn in court.

† Autograph.

John Hobbs v. Samuell Rowland. Debt. Verdict for plaintiff. To be paid in serge. Appealed to the next Court of Assistants. Samuell Rowland and Robert Bartlett bound.*

Mr. Philip Cromwell v. Thomas Ives. Debt. Verdict for plaintiff. To be paid in goods and cattle.†

Samuell Simonds v. Robt. Ames. Replevin of a steer. Verdict for plaintiff.‡

Edmund Benit, aged about twenty years, deposed that when he was in Goodman Curtis' shop, Phipene came in to reckon accounts, but Curtis said he was very busy doing some work for Captain Corwin's pink, etc. Sworn in court.

*Writ: John Hobbs v. Samuell Rowland; for withholding a debt of five pounds, some of which he received from John Parbrick and John Pickering, both of them living at Portsmouth; dated Oct. 1, 1674; signed by Moses Mavericke, § for the court; and served by John Merrett, § constable of Marvelhead.

Nehemiah Partridge, aged about twenty-nine years, deposed that he heard Rowland accept 1,000 feet of pine boards from John Pickren upon account of John Hobs, for which the latter promised to pay in serge. Sworn, 21 : 9 : 1674, at Portsmouth before Richard Cutt, § commissioner.

Mary Partridge, aged about thirty-two years, deposed that her husband John Partridge, etc. Sworn at Portsmouth, 21 : 9 : 1674, before Richard Cutt, § commissioner.

John Hobs' bill of cost, 1li. 15s. 4d.

Mary Rowland, the elder, aged about forty-nine years, and Richard Rowland, jr., aged about fifteen years, deposed that John Hobs who said he lived at Newbary, demanded a debt due as he said from deponent's son and brother Samuell Rowland, etc. Sworn in court.

John Partridge, aged about thirty-eight years, deposed that he paid Samuell Rowland 3li. in shoes for which the latter agreed to pay Hobbs in serge at Marvellhead, etc. Sworn, 21 : 9 : 1674, at Portsmouth, before Richard Cutt, § commissioner.

†Writ: Mr. Philip Cromwell v. Thomas Ives; debt, for rent due; dated Nov. 16, 1674; signed by Tho. Fiske, § for the court; and served by Henery Skerry, § marshal of Salem, by attachment of house and land of defendant. Bond of Thomas Ives, § Joseph Gardner § and Stephin Haskott, §

Mr. Cromwell's bill of cost, 1li. 4s. 6d.

‡Writ of replevin, dated Nov. 18, 1674, for a steer of Samuel Simons now detained by Robert Aimes, signed by Thomas Leaver, § clerk, and served by Jeremiah Elsworth, § constable of Rowley.

Samuell Simons' bill of cost, 3li. 8d.

§ Autograph.

William Sargent v. Joseph Ellwell. Debt. Verdict for plaintiff.*

Robard Andors, aged about twenty-eight years, deposed that Edman Bredges hired him to carry a parcel of corn and a cupboard to Salem for him in the middle of September last and deponent asked him if the cupboard were made. Bridges said it was and that he had already paid Sammuel Simons for it in a good pied steer which was at John Commens's. Further that deponent brought the cupboard to Salem. Sworn, Nov. 24, 1674, before Samuel Symonds,† Dep. Gov.

Zacheus Courties testified. Sworn in court.

Moses Tiller deposed. Sworn in court.

William Smith, aged about forty years, deposed that Goody Bridges asked her husband how he paid for the ox and said she hoped he had not put away the steer he sold to Samuell Simonds. Her husband said that it was the steer he bought of John Letillaell, which was at John Cominses house and that said Simons was to pay for him in "joynery work." Sworn, Nov. 23, 1674, before Daniel Denison.†

John Pabody, aged about thirty-two years, deposed that he was at Edman Bredges' shop when Bridges and Simons were making a bargain about the boards of the shop, and Simons said if he had the boards that said Bridges should not deprive him of the steer, etc. Sworn in court.

John How, aged about thirty-three years, deposed that he saw Robert Ames drive the steer, etc. Sworn in court.

John Cummings, aged forty years, deposed. Sworn, Nov. 23, 1674, before Daniel Denison.†

Gras Androus, aged about fifty years, deposed. Sworn, Nov. 23, 1674, before Daniel Denison.†

Edmond Bridges'† receipt for the steer, dated Oct. 12, 1674, and witnessed by Stephen Haskott† and Zachery Courties.†

Willyem Browne deposed concerning the steer taken away from his master Simonds. Sworn, Nov. 23, 1674, before Daniel Denison.†

*Writ, dated Nov. 18, 1674, signed by Thomas Riggs,† for the court, and served by William Sargent,† constable of Gloster, deputy to Robert Lord,† marshal of Ipswich, by attachment of house and land of defendant.

William Sargent's bill of cost, 1li. 3s. 6d.

Bond, dated Mar. 19, 1671, given by Joseph Ellwell of Gloster, alias Cape Ann, fisherman, to William Sargent of Gloster, for 7li. 1s. 6d. Wit: Samuell Ellwell† and Esther (her mark) Ellwell. Sworn by Samuel Ellwell before Samuel Symonds,† Dep. Govr., and Hezkiah Dutch also made oath that he saw Esther Ellwell sign as a witness.

† Autograph.

Tho. Rumery v. Ezekiel Needham. Debt. Withdrawn.*

Tho. Rumery v. John Blanco. Debt. Withdrawn.†

Tho. Bishop v. Robert Cross, jr. Debt. Nonsuited.‡

Tho. Bishop v. Ensign John Gould. Debt. Nonsuited.§

John Burrall was sworn clerk of the market for Linn before the Honrd. Samll. Simonds, Dep. Gov.

Hilliard Veren took the oath as clerk of this court.

Edw. Richards, assignee of Mr. Moses Maverick v. Mr. Jon. Gifford. Debt. Due by bill under the hand of Mrs. Margaret Gifford. Verdict for plaintiff.||

*Writ, dated 29 : 8 : 1674, signed by Hilliard Veren,¶ for the court, and served by Henry Skerry,¶ marshal.

†Writ, dated Oct. 29, 1674, signed by Hilliard Veren,¶ for the court, and served by Henry Skerry,¶ marshal of Salem, by attachment of cattle of defendant's.

‡Writ, dated Oct. 26, 1674, signed by Robert Lord,¶ for the court, and served by Robert Lord,¶ marshal of Ipswich.

§Writ, dated Nov. 17, 1674, signed by Robert Lord,¶ for the court, and served by Robert Lord,¶ marshal of Ipswich.

John Gould's bill of cost, 18s. 8d.

||Writ, dated 12 : 9 : 1674, signed by Hilliard Veren,¶ for the court, and served by John Hathorne,¶ deputy for Henry Skerry,¶ marshal of Salem, by attachment of the dwelling house and land of defendant.

Jonathan Poole, aged thirty-nine years, deposed that Mr. Hathorne of Lin and he were chosen by Mrs. Geferd and Edward Richerds but they could not agree as to the appraisal and Mr. Hathorne would accept for a third man no other than Mr. Cromwell, the butcher, who was, so he said, to be married that day. So Hathorne being very desirous that the debt should be paid propounded that the constable of Lin should be the man, but he also refused, etc. Sworn in court.

Bond, dated Mar. 27, 1672, given by Margaret Gifford¶ to Mr. Moses Maverick. Wit: Thomas Marshall.¶ This bond was assigned, Nov. 18, 1672, by Moses Mavericke¶ to Edward Richards of Linn. Wit: Robert Ingolles¶ and Ralph King.¶ Owned in court.

Edward Richards' bill of cost, 2li. 11s.

Jonathan Poole, aged thirty-nine years, testified that he went with Mr. Giford to Mr. Maverick's to tender two stout oxen and a lusty cow, etc. Also if these were not enough there were two or three horses in the stable and a cow at John Leuses. The cattle were later tendered to Richards' wife at his house, to the value of 20li. John Smith testified to the same. Sworn in court.

¶ Autograph.

Edw. Richards, assignee of Moses Maverick, being the assignee of Frances Huchenson, being the assignee of John Haukes, administrator of the estate of Adam Haukes, deceased, and Sara Hawkes, the widow, and William Cogswell and Susana Cogswell v. Mr. Jon. Gifford. Debt. Verdict for plaintiff.*

Mr. John Gifford v. Ed. Richards. Verdict for defendant.†

*Writ, dated 12 : 9 : 1674, signed by Hilliard Veren,‡ for the court, and served by John Hathorne,‡ deputy for Henry Skerry,‡ marshal of Salem.

Bond, dated Feb. 16, 1671, given by John Gifford to Mr. Adam Hauks. Wit: John Hart‡ and Ruth (her mark) Hooper. Sworn in court. This bond was assigned, Mar. 19, 1672, by John Hawkes,‡ William Cogswell,‡ Sarah (her mark) Hawkes and Susana Cogswell‡ to Francis Hutchinson. On Nov. 27, 1672, Francis Hutchinson‡ assigned it to Mr. Moses Maverick of Marblhed. Owned in court. On Nov. 30, 1672, Moses Maverick‡ assigned it to Edward Richards of Linn.

Edward Richards' bill of cost, 3li. 10s. 2d.

Upon Mr. John Gifford's request to search the records of Mr. Addam Haukes and his inventory, to see if there was any bill or debt of 10li. due from Mr. Giffard to the estate, Robert Lord‡ deposed, 23 : 9 : 1674, that he found only 35s. mentioned as credit to the estate and 46li. debts, all the rest being household goods, cattle and land.

†Writ: John Gifford v. Edward Richards; for taking away a boat which Richards sold to Joseph Armitage for about 30li.; dated Nov. 17, 1674; signed by Moses Mavericke,‡ for the court; and served by Nathanel Balard,‡ constable of Lin, by attachment of house and land of defendant.

Petition of J. Gifford,‡ that the judgment of 25li. granted to his wife in March, 1672 against Edward Richards be tendered him and the judgment satisfied. The officer had put said Richards in goal but he was now free and had not paid the debt.

Bill of sale, dated Mar. 30, 1654, given by John Giffard,‡ agent for the company of the undertakers of the Iron works in New England, to Edward Richards of Lyn, the great boat, with all the sails, rigging and furniture belonging, in satisfaction of 17li. 3s. 2d. for work done for the company. If the agent paid the debt in 12 days from date, the said Richards should give up the boat. Wit: Thomas Marshall‡ and John Jarvis.‡ Owned in court.

Edward Richards' bill of cost, 1li. 6s. 4d.

Joseph Armitage, aged sixty years, deposed that he bought of Edward Richards the great boat that belonged to the Iron works

‡ Autograph.

Samuell Morgaine v. Samuell Steevens. Debt. Withdrawn.*

Ensign John Goold v. Margaret Bishop, executrix of the estate of Thomas Bishop. Jon. Putnam was to pay for the entry, and Tho. Bishop was admitted as attorney for Mrs. Bishop. Verdict for plaintiff.†

John Porter, sr. v. Anthony Ashby. Debt. Defaulted.‡

Mr. Moses Maverick v. Richd. Meeke. Debt. Verdict for plaintiff.§

in Mr. Geford's time, for which he paid 30li. by Mr. Thomas Ruck of Boston. Sworn in court.

*Writ, dated 16 : 9 : 1674, signed by Hilliard Veren,|| for the court, and served by Ed. Bridges,|| deputy for Henery Skerry,|| marshal of Salem.

†Writ, dated Nov. 19, 1674, signed by Robert Lord,|| for the court, and served by Robert Lord,|| marshal of Ipswich.

Copy of the papers in an action between the same parties brought in Ipswich court, Sept. 24, 1672 and Mar. 31, 1674, made by Robert Lord,|| cleric.

Copy of bond, dated Feb. 1, 1672, given by John (his mark) Gould of Topsfield and John (his mark) Newmarsh of Ipswich, for 25li. 17s. in silver or bar iron at 20s. per hundred, to Thomas Bishop of Ipswich, to be delivered at the now dwelling house of Samuell Bishop in Ipswich. Wit: Thomas Andrews and Robert Lord, jr.

John Gould's bill of cost, 2li. 13s. 4d.

William Smith and John Morall deposed that in 1670 before Indian corn harvest, they saw John Gould deliver one bullock to Thomas Bouship, sr., at Ipswich, the price of which was 8li., and it was put into Bishop's cow house. Sworn, Nov. 23, 1674, before Daniel Denison.||

Edmond Bridges deposed that when the accounts were made out Bishop allowed Goold six pounds for an ox. Sworn in court. Ensign Goold disowned it in court.

Phelip Welch and Zachery Courties deposed that they were at work by the side of Ensign Goold's field about four or five years ago, when Thomas Bishop came along and said the bullock had broken away from him and he thought it might have gone back to Goold's cattle, etc. Sworn in court.

‡Writ, dated Oct. 16, 1674, signed by Dudley Bradstreet,|| for the court, and served by Henery Skerry,|| marshal of Salem. Bond of Anthony Ashby.||

John Porter, sr.'s bill of cost, 1li. 2s.

§Writ, dated Oct. 8, 1674, signed by Moses Mavericke,|| for

|| Autograph.

Hester Estwick, administratrix or assignee of Benjamin Fermaize (also, Feiremaies), v. Frances Collens. Withdrawn.*

Jacob Knights, attorney of Wm. Bartrum v. Samll. Bennett. Forfeiture of a bond of arbitration. Verdict for plaintiff. Court moderated the bond.†

Mr. Jonathan Corwin took the oath of freeman.‡

Capt. Paule White had his former license renewed for retailing strong waters.

Christopher Browne, having reported that he had been treating or discoursing with one whom he pretended to be the devil, who came like a gentleman urging him to bind himself as a servant

the court, and served by Nickles Merrett,§ deputy constable of Marblehead.

Mr. Moses Maverick made oath in court as to the account in his book, and agreed to acknowledge judgment of 10li.

*Writ, dated 18 : 9 : 1674, signed by Hilliard Veren,§ for the court, and served by John Clifford,§ constable of Salem.

†Writ, dated Nov. 13, 1674, signed by John Fuller,§ for the court, and served by Returne Waite,§ deputy marshal of Suffolk.

Jacob Knight's bill of cost, 3li. 7s. 10d.

Thomas Marshall§ and Moses Chadwell,§ arbitrators to judge of the worth of a colt that was to have been delivered by Mr. Samuell Bennett to William Bartrum, appraised the colt at 3li. 15s. on Dec. 26, 1672, at the house of Capt. Thomas Marshall. Sworn, 25 : 9 : 1674, before Wm. Hathorne,§ assistant.||

Agreement, dated Nov. 26, 1672, between Samuell Benett§ and Jacob Knight§ to leave the appraisal of the colt to Capt. Thomas Marshall and Moses Chadwell of Linn, who should be governed by the award of Mr. Oliver Purchas, John Fuller and John Hathorne as colts were worth in 1666. All charges were to be paid in neat cattle by Mr. Samuell Bennit of Boston (also, Rumney Marsh) at Capt. Marshall's house before Dec. 26. Wit: John Williams§ and Thomas (his mark) Farar and Thomas (his mark) Newhall. Sworn in court.

Letter of attorney, dated June 27, 1672, given by Will. Bartrum,§ late of Lynn to Jacob Knight of Lynn. Wit: Elizabeth Breed§ and Nathaniell Ballord.§

‡Edward Rawson,§ secretary, certified that at a General Court held at Boston, May 31, 1671, Mr. Jonathan Corwin, Jno. Marston, Eliazer Gidney, Jno. Mascoll and Tho. Ingolls of Salem were admitted to the freedom of this colony.

§ Autograph.

|| On the reverse of this paper is a text from Romans, 10 : 14, and the beginning of a sermon.

to him, was dismissed for the present, his discourse seeming inconsistent with truth.

Henry Stacy and Hannah, his wife, presented for fornication before marriage, were sentenced to be whipped on the next lecture day at Salem or pay a fine.

Benjamin Balch and Elizabeth, his wife, for fornication before marriage, were sentenced to be whipped on the next lecture day at Salem or pay a fine.

The towns of Beverly, Manchester and Salem made return, according to court's order of last June, and were dismissed.*

Samuell Hardy, being returned by the selectmen of Beverly for clerk of the writs, was allowed.

William Rayment was sworn constable of Beverly for the ensuing year.

*Return of the selectmen of Beverly, by Paul Thorndike,† dated 24 : 9 : 1674, concerning the observance of the law regarding children and youth: "wee the aforesaid selectmen haue in obeidience not only to that good and wholesome law but likewise to this honoured Courts p'ticular Order and Injunction whose fatherly care wee desire to acknowledge with all thankfulness giuen warning in a generall way that the seuerall masters of families doe Instruct their Children and seruants in the p'ticulars required in the said law beforementioned and likewise haue more lately taken a more p'ticular account of the state of the youth within our limitts in that Respect and doe not find any youth of the age of nine years or exceeding it that canot read: or that are not Indeauouring to learn as those under whose tuition those are being very few doe say who haue likewise promised to use their farther Indeauour to perfect them in reading: neither do wee find any that are not Employed in some honest and lawfull calling as those under whose Charge they are doe find caus to apoint."

The town of Beverly also returned that the highway between the house of Mr. Roger Conant and the head of the rail fence Wenhamward had been repaired.

Thomas (his mark) Bushep, Samuell Allen† and Aron (his mark) Bennet, selectmen of Manchester, returned, Nov. 23, 1674, that they informed "such famelyes whom it did conserne by reading the law to them & aduiseing them to the due obserueing of y^e same: leaueing y^e eshueing of the same to y^e nex y^t were to suplye the place of selectmen who do here sertyfie y^t they haue pformed there duty conserning the said law and y^t the law is observed."

† Autograph.

Hester Witt came into court and made choice of Samuell Stocker for her guardian, and it was allowed.

Elizabeth, alias Calebath, servant of John Porter, sr., for committing fornication, was sentenced to be whipped on the next lecture day at Salem, and Michael Derich, who was accused by her, the child being dead, was ordered to pay a fine to his master, and all charges.*

John Knolton was allowed costs in an action brought by John Procter and his brothers Benjamin and Joseph Procter, and not prosecuted.†

George Jacob, jr., complained of for driving horses into the river and threatening to drown them, whereby some horses were lost and one was found dead in the river shortly after, was found blameable and adjudged to pay the charge for hearing the case.‡

*Summons, dated 26 : 9 : 1674, signed by Hilliard Veren,§ for the court.

Michelle Derich requested a trial by jury.

†Summons, dated 12 : 9 : 1674, to John Knoulton, jr., upon complaint of John Procter, Joseph Procter and Benjamin Procter, executors of the will of John Procter, deceased, for a debt and for a parcel of sheep, signed by Hilliard Veren,§ for the court.

John Knowlton's bill of cost, 17s. 10d.

‡Gorge Jacobs's answer to Nathanel Putnam's complaint: "that I did folow sum horsis in our inclosyor on ryoll sid where thay ware trespassing upon us I owne and that the end of my folowing them was to take them but rather then thay would be takin thay touck the watar and I did folow them noe further but stratway thay turned ashore and I did rune to take them as thay came out of the wattar but could not and I can frely take my othe that sine that tim I ded neure folow any horsis or mars sene: and I hope that my owne othes may clear me when ther is noe positue prufe against me: and the last time that I saw the horses was whene John Kenny and Joseph Flent was presant and went to louk on the horsis aftar thay came out of the wattar and I asked them wether thay knew the horsis and thay replyed noe and I left them with the horsis which came out of y^e wattar."

John Keney, aged about twenty-two years, and Joseph Flint, aged fourteen years, deposed that they saw George Jacobs, jr., drive Isak Foot's mare and colt into the river and kept them in the river for nearly a quarter of a mile. He prevented them from coming ashore by throwing sticks and stones at them and when asked why he did it, he said to drown them if he could.

§ Autograph.

Court being informed that the ordinaries at Ipswich and Salem were behind in being paid what the court was indebted to them, it was ordered that the county treasurer shall gather up all old arrears, and with what is in his hands to satisfy the several ordinaries.

Capt. Marshall and Benjamin Parmiter had their former licenses renewed.

Capt. George Corwin, Mr. John Ruck, Mr. Wm. Browne, sr., Mr. John Price, Mr. Hen. Bartholmew, John Procter, Mr. Jon. Gedney, Mr. Jonathan Corwin, Mr. Barthol. Gedney, Mr. Thaddeus Riddan, Mr. Edmond Batter, Left. Samuell Ward and Ambross Gale had their former licenses renewed.

Upon a motion made for advice about care to be taken regularly for the payment of about 16li. debts from the estate of Tho. Caly, deceased, court declared that considering the will of said Caly provided for the payment of the debts out of the estate and their being little or no other goods left, the overseers by advice of the Worshipfull Maj. Hathorn were to sell enough land to pay the said debts.

Whereas Mr. Dudley Bradstreet was possessed of an estate of 60li. belonging to Anna, daughter of Mr. Theoder Price, deceased, and payable to said Anna at the age of eighteen years or marriage, as appears by court order of 25 : 4 : 1672, said Bradstreet acknowledged a bond for security of the said child's portion.

Mr. John Price, executor of the will of Capt. Walter Price, deceased, being possessed of an estate belonging to Eliza. Price, daughter of Theoder Price, deceased, payable to said Elizabeth at the age of eighteen years or marriage, said Price acknowledged a bond for security of the child's portion.

The clerk was to issue an attachment for Mary Read.

Allowed 9s. to the servants of Mr. Gardner's house, to Mr. John Browne's maid, 3s., and to the servants of Mr. Gedney, 4s.

Wm. Lake, constable, was allowed 5s. for two licenses, and Jon. Clifford, constable, 2s. for one "hughencrye"

Further they saw the colt come crying up to John Leach's, without the mare, within a day or two after.

Nathaniell Putnam's bill of cost, 1li. 6s.

Mary Jacobs, Stephen Small and Robart Roundhed deposed that the horses were in the water but a short time, came around a little cove and went ashore.

Adam Westgat was fined by Major Hathorne for being drunk.

Arther Carter was fined for selling cider by the quart without license.*

Owen Henly was fined for selling cider by the quart without license.*

Elizabeth Clungey went away out of this jurisdiction privately leaving a child behind at the house of Frances Nurse, and also some goods at the house of Richard Sibley which were inventoried by Major Wm. Hathorne and Hilliard Veren, cleric, amounting to 6li. 13s. 8d. Frances Nurse in charity took the child into his care and custody and was ordered to take the goods, paying to some creditors 17s. 6d., the rest to remain in his hands for the use of the child.†

*Summons, dated 26 : 9 : 1674, to Arther Carter, upon his presentment for selling cider and for speaking presumptuous words against authority, and to Owen Endy for selling cider, also to witnesses, Rowland Rainsbury, William Norman and Richard Starr, signed by Hilliard Veren,‡ for the court.

Richard Norman, aged about fifty years, and Rowland Rainsbury, aged about forty-six years, deposed that they had heard Carter say that he sold cider by the quart and had ten barrels at home to sell, and sell it he would in spite of the authority of the country. Sworn in court.

Rowland Rainsbury deposed that he bought two quarts of cider by the quart of Owen Endy at the latter's house, about fourteen days ago. Richard Starr testified the same and that Endy's wife sold him cider. Sworn in court.

‡Inventory of some goods of Elizabeth Clunges, left at the house of Richard Sibly, taken 16 : 6 : 1674, by Major William Hathorne and Hilliard Veren,‡ clerk: one Iron pott, 6s. 8d.; 1 large feather pillow, 5s.; 2 baggs, 2s.; 1 smale pillow, 12d.; a bolster & bed of flockes & blankett, 13s. 4d.; a childs blankett & safegard & old wascoats, 8s.; 6 old trenchers, a skillett, 1 pr. of tonges & 2 pr. of potthookees & a hanger, 8s.; a smooth Iron, Gridiron & som traies & raggs in the bottom of a chest, with an old chest, 5s.; an old curtaine, 2 basketts, a latten Kettell, 2s. 6d.; an old sheete, 3s. 6d.; 1 pr. of cource sheetes, 16s.; 4 napkins, some broaken child linen, 6s. 8d.; some old linen & Ragges, 4s.; a silk wascoate, 3s., severall small peeces of linen, 5s.; a peece of pocking cloath & 2 childs blanketts, 5s.; a covered, 1li.; 2 pewter platters, 2 smale basons, a poringer, & saser, 10s.; severall peeces of tin ware, 6s.; a chest, an old Joyned box, 6s.; total, 6li. 13s. 8d. A woemans chaire & old lamp alowed to

‡ Autograph.

Mr. John Price, one of the executors of the estate of Capt. Walter Price, brought in an inventory,* and it was allowed.

The will† and inventory of Lott Conant were proved and allowed.

Goodman Sibly for house roome & trouble about the goods a tin kettle & sase pan taken out, 18d.; debts owing from the estate to severall paid by Frances Nurse, 16s.

*Inventory of the estate of Capt. Walter Price, taken June 4, 1674, by John Hathorne‡ and John Higginson,‡ and allowed upon oath of Mr. John Price, one of the executors: two dwelling houses near y^e meeting house & a Kitching, a stable &c. with the land, 400li.; warehouse in ye towne, 45li.; warehouse at Winter Island, 45li.; 1-4 pt. of a mill upon ye South river, 180li.; 5 achres of Land att ye planters marsh, 1-2 upland & 1-2 salt marsh, 40li.; six or seaven achres of land In ye south feild part Inclosed and pt. In ye generall feild, 45li.; house & land yt Jno. Lambert lives in, 50li.; house & land yt was formerly Jno. Bauldings, 42li.; parcell of Land att Andiver taken upon Execution of Marke Graves for 30li. upon acct., valued now at 25li.; Ketch Freindship, 36 tons, 160li.; Ketch Wm. & Jno., 22 tons, 100li.; 5-8 of the ketch Begening, 24 tons, 60li.; 1-2 ketch Hope, 27 tons, 60li.; 1-2 ketch Patient Betty, 23 tons, 47li. 10s.; 1-2 ketch Crickett, 18 tons, 25li.; a Negro boy apprentice with Wm. Dounton, 25li.; a maide servant for six yeares, 8li.; a parcell of English goods & salt, 365li. 8s. 11d.; goods sent to ye southward & Eastward, 56li. 10s.; a parcell in England. In Mr. Harrod's hands, 50li.; household goods, 158li. 1s. 2d.; 5 bush. of wheat at 4s., 1li.; 15 bush. pease, 3s., 2li. 5s.; 1-2 bar. molasses, 15s.; biskett, 10s.; 1 bar. of Ireish beaf, 1li.; 6 bar. porke, 50s., 15li.; 3 bar. Beafe, 30s., 4li. 10s.; 9 gall. brandy, 4s., 1li. 16s.; 6 Qts. 1-2 fish, 3li. 18s.; 1 2-3 barl. oyle, 2li.; 4 pr. stilliards, 3li. 8s.; 5 pr. scales & weights, 15s.; 3 pr. beams & scales, 2li. 15s.; 1 old Standish & Ink box, 1li.; a half bushell., 1s. 6d.; 3 hhs. & a parcel of old hhs. & barl., 2li. 9s.; 1 old horse, 3li.; 1-2 pt. of 12 mares & Colts In ye woods, 6li.; 1 Cow, 3li.; 3 hoggs & 3 shootes, 3li. 10s.; about 5 Load of hay In ye stable, 5li.; 4 Cord of wood, 1li. 4s.; English goods, 7li. 6s. 11 1-2d.; total, 2,058li. 14s. 4d. Funerall Expenses, 60li. My fathers wareing Cloathes genrally given away. There are considerable debts due from ye estate wch. wee hope there may bee debts sufficient to pay by debts due to ye estate. Mr. John Ruck came into court and laid claim to a parcel of land contained in the foregoing inventory which was to be left to further trial.

†Will of Lot Conant,‡ aged about fifty years, dated 24 : 7 : 1674, and proved by Roger Conant and Exercise Conant: "I

‡ Autograph.

John Meere, administrator of the estate of Thomas Meere, brought in an inventory,* which was allowed.

doe bequeath and giue vnto my fūe sonn̄s to each of them fifty pound and vnto my sonn̄ Nathanell the shop and tools ouer & aboue the rest, and vnto my fūe daughters twenty pound to each of them, and this estate I leaue to lye whole unbroken till they come to full age, or to marriage estate, and in the meantime, the whole to rest in the hands of my wife, and for the bringing up of the children, and furthermore my will is that my wife be executrix and that the land be not at all disposed off from the children, and that my wife haue the dwelling house and orchard for her lifetime also that my kinswoman Leech haue a cow or heifer at her being married or going from my wife And for help vnto my wife in this matter, I do intend and desire m^r John Hale, Captaine Lathrop and my brother Exercise Conant to be assisting." Wit: Roger Conant† and Exercise Conant.†

Inventory of the estate of Lot Conant, taken Sept. 29, 1674, by William Dodge, sr.,† and John Raimont:† three oxen at 4li. p., 12li.; 10 Cows at 3li. 10s., 35li.; 5 heifers at 2li., 10li.; 2 calves at 15s., 1li. 10s.; 20 sheep, 7li.; swine, great & smale, 10li.; a horse, 5li.; 2 beasts kild & salted for house, 5li.; land 60 akers not improved, 150li.; land improved, 19 akers, 104li. 10s.; meadow land 12 akers, 61li.; more land 9 akers, 40li.; a dwelling house and orchard containing about 4 akers wth an old dwelling house of his fathers, 160li.; more land 5 akers & 6 akers being purchased but not yet paid, 40li.; an old barn & cattel howsing, 5li.; a shop where Nath. Conant workes, 5li.; a third part of a river hous, 2li.; an eight part of a ketch, 20li.; land lying at Marblehead by darbi fort, 2 1-2 akers, 5li.; a house at Marblehead, 5li.; Corn, Indian and English, 127 bush., 13li.; hay and fodder, 32 load, 20li.; a Cart a putt & a sledd, 2li.; plow takeling and chains, 2li.; axes, hoes & sithes, 1li.; a bedsteed, bed, bolster & furniture, 7li.; a livery cubbord & cloth, 2li.; sheets, 7 pare, 8li.; pillobies 3 pare at 4s. p., 12s.; a fine pare of pillobies, 8s.; 2 chests and boxes, 2li.; a table and 6 stooles, 1li. 10s.; 2 lether chairs, 10s.; a peece of sarge, 3li.; 2 chairs, 6s.; a fether bed, rug & blankets, 5li.; a bedsteed, down bed & furniture, 4li.; a trumell bed & furniture, 2li.; waring apparrell, 8li.; a carpett, 1li.; Curten cloth, 2li.; cussion cloth, 6s.; spinning wheelles, 10s.; sheeps woll & yarn, 1li.; cotten woll, 1li. 14s.; flax and lining yarne, 1li.; peuter & peeces, 1li. 10s.; erthen ware, 10s.; a copper, 2 skilletts & warmingpan, 2li.; 2 Iron potts & 2 kittels, 2li.; 2 muskets & 3 swords, 2li.; pothooks, anirons, & spittes, 2li.; total, 782li. 16s.;

*Copy of the inventory of the estate of Thomas Meere, de-

† Autograph.

Walter Bouston dying intestate, his widow was appointed administratrix of the estate, who brought in an inventory* amounting to 11li. 5s. 7d. Court ordered that the estate remain in her hands for her necessary use.

ceased, taken 11 : 7 : 1674, by Hillyard Verren, sr., and Thomas Cromwell: Coate & breeches of new black Kersie, 2li. 10s.; a worne corse coat sad couller, 10s.; an old searge sute, 10s.; an old coate & cassack and drawers white cotten, 10s.; 3 pr. cover linen, drawers, 1 red cotten drawers & an old red sack, 8s.; 4 pr. worne stockins, worsted & yerne, 10s.; 1 pr. new & 1 pr. older shoes, 8s.; a linen cassake & course pillowbeere, 4s.; 9 shirts, 35s.; 3 carbitts, 3s.; 3 bands, 3s.; 2 pr. sleeves & a peece of carbett, 7s.; a hat, 3s. 6d.; a cloake, 26s.; a pr. of old sheets & peece of old covering, 10s.; a small gun, 10s.; a perywigg, 16s.; a capp & two hancerchiefs, 2s.; an old fether bolster, 6s.; 2 bookes, 2s.; an old chest, 3s.; a gould ring, 1li. 6s.; 17 yards corse black cersie at 4s. per yd., 3li. 8s.; 1 1-4 yd. of lite coullerd corse cloth, 4s.; 1 1-2 yd. less 1-16 of red cersie, 6s.; 1 pr. whit Jersie stockins & 1 pr. leggs, 4s.; 1 pr. old sleeves, 6d.; an old bible and two or 3 bookes, 5s.; 2 pr. small compasses & about 12 bras rings, 2s.; bill due to the estate, 3li. 6s.; a pr. of sheeres, 2s.; some whalbone, 12d.; total, 22li. 10s. Estate owed Samuell Steevens, 6li. 19s.

*Inventory of the estate of Walter Borson (also Boston), taken by John Legget and Robart Bartlett:† one Canvis Bed fild with Cattailles, 10s.; one pare of old Blankets, 16s.; one Rugg, 10s.; Three small pillows, 6s.; three small pillobers, 5s.; one pare Sheets, 10s.; one Bed Cord, 1s.; Curtains and Vallens, 13s.; Curtains Rodds, 5s.; one spitt, 2s.; Two pot hangers, 3s. 6d.; fier shovell tongs and Gridiron, 3s.; Two small pots and two Cruks, 13s.; one warming pann, 2s.; one Neck Cloth, 1s. 6d.; one Band & an old Cap, 1s. 6d.; Two old Shurts, 5s.; Three puter porringers, 3s.; one Bason, 1s.; one plate, 1s. 3d.; one pare of Cissars, 4d.; one Raisor, 1s. 6d.; one Dussion of small wooden Dishes, 2s.; six wooden platters, 3s.; four small erthen platters, 1s.; one Glass, 6d.; 2 old hatchets, 1s. 6d.; one spaid, 1s.; one small Gun, 10s.; one Lock, 1s.; one Hammer, 6d.; Two Baskets, 1s. 6d.; Two Chests, 8s.; one Booke, 1s. 6d.; one Spining wheele, 2s.; 8 erthen pots, 1s.; Two Jars, 1s.; Three old Chears, 2s.; one Cradell, 1s. 6d.; 3 old plains, 8s.; one whelbarrow, 3s.; one Go Cart, 4s. 6d.; one Trundell Bedsteed, 3s.; one old hoe, 1s.; one old Addz, 6d.; one Bedsteed, 10s.; Six Small Swine, 2li.; one Coate, 12s.; total, 11li. 5s. 7d.

† Autograph.

The will* of Abraham Whitteere, deceased, was proved by Georg Keaser and John West. Edward, son of deceased, having been appointed administrator at the last Ipswich court, and whereas said Abraham in his life time made use of 5li. that properly belonged to his son John, court decreed that said John should be paid out of the estate at the age of twenty-one years, 5li. more than his proportion, upon the division of the estate. Edward also brought in an inventory which was allowed.

The will† of John Marsh was proved and an inventory allowed upon oath of the executrix.

*“ye 6 of 6^{mo} 74 beeing desiered by John West of ye Creek to goe with him to Mr. Gidnis whear Abraham Whithaer lay sike heueing his memory and understanding willed as folloueth hee gaue to his sonn Edward halfe of all his Land after his desees and did enioyne him not to sell: it: and his wife should haue the other halfe of the Land and ye houes and allso the moueabels deuring her Life for the bringing up of the children which hee had by her, and at her death the halfe the Land and the houes that now belongeth to the widow shall be equeally deuided betwixt the children which hee had by this Last wief and the tooe children which I had by my first wife I giue to them fiue shilings a pees for ther Leggesi allso that halfe of the Land and houes which I Leaue with my wief for her Life is not to be sould to any body if my sonn Edward will by it.” Witnes Georg Keysar† and John West.‡ Sworn in court.

The estate of Abraham Whitteer is debtor: pd. to Mr. Gidney, sr., 1li. 17s.; to Jno. Ropes, 5s.; to Doctr Wells, 10s. 6d.; bords & nales, 5s.; Goodman Lord, 4s.; total, 3li. 1s. 6d. My father is Dr. to Mr. Wm. Browne, sr., 3li. 9s. 8d.; cost at court, 17s. 6d.

Inventory of the estate of Aberham Whityear, sr., late deceased in Manchester, taken 22 : 6 : 1674, by Thomas West† and Samuell Leach:‡ twenty-fiue acres of land & meadowe, 50li.; a dewelling hows, 6li.; 3 cattell, 9li.; swyne & a young mare, 2li. 10s.; Beding & howshowld stufe, 7li.; heaye, 2li.; total, 76li. 10s.

‡Will of John Marsh,§ of Salem, dated Mar. 28, 1674, and proved by Nathaniell Felton and Anthony Buxston: “Imprimis I giue vnto Susanna my wife my dwellinge house with the orchard and all the land therevnto belonginge for the tearme of her natural life and at her decease to be disposed by her to which of my children she shal think fit Item I giue vnto my wife all my moueable goods only to pay out of the same such legacyes as I shal dispose of to some of my children. Item I giue vnto

† Autograph.

§ Autograph and seal.

Zachary my Son a part of my farme (viz) to haue on the south and 25 poole downeward the whole breadth of my farme Item I giue vnto my two sons Samuel and Jacob the remaynder of my farme to be equally devided betweene them: of which Diuision my son Samuel is to haue the choyce Item I giue vnto my son Ezeikiel fue pounds to be payd by my Executors at the end of the tearme of thre yeares after my decease Item I giue vnto my son Benjamin ten pounds to be payd by my executors when he shall attayne to the age of on & twenty yeares Item I giue vnto my Daughter Bethiah: thre pounds to be payd vnto her by my executors at the end of thre yeares after my decease. Item my wil is that in case eyther of my Sons Samuel or Jacob should depart this life vnmaryed or childles then the land that I haue giuen them shal be devided betweene the survivor and my son Zachary and in case they both depart as is aboue sayd the whole farme to fal to my Son Zachery Item I appoynt my wife Susanna executrix of this my last wil and testament & Samuel my son to be ioyned with her Ad iutor and my Louinge Freinds Anthony Buxton & Nathaniel Felton ouerseers." Wit: Nathaniel Felton* and Anthony Buxton.*

Inventory of the estate of John Marsh, taken Nov. 23, 1674: his dwelling house and orchard wth the land therevnto belonging, 60li.; 50 acres of Vacant land, 40li.; 2 Cowes & 2 heifers, 10li.; a horse, 1li. 15s.; 10 sheepe & lambes, 4li.; a featherbed & boulder, 2 pillows, 3 sheets, 2 blankets & an old old coverlet, 5li.; An old bed 3 blankets & an old Rug, 2li.; 2 chests & an old table, 16s.; 1 kettle, 1 iron pot and a skillet, 1li. 5s.; 2 old platters & a tanker, 5s.; old bookes, 9s.; 2 wheels & 2 payre of cards, 10s.; a musket and sword, 1li.; 2 hakes, 2 iron wedges, a fryinge pan, 6s.; shoemakers tooles and a tow Combe, 10s.; In wool, 34 lb., 1li. 5s. 6d.; A churme, 2 payles, wooden dishes & other vtensels, 15s.; His wearinge Apparel, 3li. —s.; In mony, 13s.; total, 135li. 4s. 6d. Debter to Captayne George Corwine, 2li. 3-4d.; to Samll. Smal, 1li. 5s.; total, 3li. 5s. 1-4d.

Writ: Elias Parkman and Thoms Andrews v. Wilaum Shaw; for claiming and improving a part of a farm in partnership between plaintiffs; dated 18 : 9 : 1674; signed by Hilliard Veren,* for the court; and served by Edmond Bridges,* deputy for Henery Skerry,* marshal of Salem.

Writ: Mr. Thomas Cromwell v. Jefery Joanes, late deceased; debt; dated 11 : 7 : 1674; signed by Hilliard Veren,* for the court; and served by William Lake,* constable of Salem.

Writ: John Procter v. William Shaw; debt, for work and beef; dated 12 : 9 : 1674; signed by Hilliard Veren,* for the court; and served by William Lake,* constable of Salem, by attachment of the dwelling house of defendant.

Writ: John Meere, administrator of the estate of Thomas

* Autograph.

Meere, deceased v. Robert Cooke of Boston; debt; signed by Hilliard Veren,* for the court; and served by John Williams,* deputy for Henry Skerry,* marshal of Salem.

Writ: Robert Wilson v. William Dounton; debt, for work done by day labor; dated 18 : 9 : 1674; signed by Hilliard Veren,* for the court; and served by John Clifford,* constable of Salem, by attachment of the house and land of defendant.

Writ: Nehemiah Jewett v. Mr. Phillep Nelson and Jeremiah Jewett, also of Shubaell Walker and Peetter Aires, administrators of the estate of Mr. John Carleton, deceased, executors of the will of Joseph Jewett of Rowley; for withholding his portion given him by his father's will, about 409li.; dated Nov. 19, 1674; signed by Robert Lord,* for the court; and served by Robert Lord,* marshal of Ipswich.

Writ: Ezekell Neadom v. Steven Cross; for damage received by his brother Roberd Cross in a suit in which said Steven obtained satisfaction and agreed to secure said Neadom from any damage by said Roberd, for a parcel of boards bought of said Roberd and for 200 more boards; dated Nov. 16, 1674; signed by John Fuller,* for the court; and served by Robert Lord,* marshal of Ipswich, by attachment of the house and land of defendant.

Venire, dated 20 : 8 : 1674, for Salem grand jury and trial jury men, signed by Hilliard Veren,* cleric, and served by William Lake,* constable of Salem, who returned the names of Samuel Gardiner, sr., Bar. Gedney, Nath. Putnam, Thom. Rootes, Will. Traske, Joshua Rea and Jos. Huchinson for the grand jury, and Eleas. Hathorne, Jno. Price, Jno. Hathorne, Jno. Higginson, Nath. Felton, Israel Porter and Frank Nurse for the jury of trials.

Thomas Laughton,* cleric, returned that at a town meeting at Lyn, 4 : 6 : 1674, Henry Collins, sr., Robert Burges, Ensigne Bancraft and John Barrill were chosen grand jurymen, and on 9 : 9 : 1674, Robert Rand, Mr. Ralph Kinge, John Newhall, jr., and Ezekell Needham for the jury of trials. Wit: Nathaniell Ballard,* constable.

Venire, dated 20 : 8 : 1674, for Beverly jurymen, signed by Hilliard Veren,* for the court, and served by Thomas Woodberey,* constable of Beverly, who returned the names of Peter Woodberey for the jury of trials and Hennerey Herreck for the grand jury.

Venire, dated 20 : 8 : 1674, for Marblehead jurymen, signed by Hilliard Veren,* for the court, and served by Rich. Read,* constable of Marblehead, who returned the names of Nathanill Walton for the grand jury, and James Denice for the jury of trials.

Venire, dated 20 : 8 : 1674, for Wenham jurymen, signed by

* Autograph.

Hilliard Veren,* for the court, and served by Thomas Hobs,* constable of Wenham, who returned the names of Jams Molton, jr., for the grand jury, and Charls Gott for the jury of trials.

Execution, dated 13 : 8 : 1674, against Richard Hollingsworth, to satisfy judgment granted Mr. Phelep English, 30 : 4 : 1674, at Salem court, signed by Hilliard Veren,* cleric, and served by Henry Skerry,* marshal of Salem, who levied upon land tendered before said Hollingsworth's wife, that is, all that close within the stone wall at his house above it and the upper part of the orchard next the hill.

Execution, dated Oct. 26, 1674, against Mr. Oliver Purchas, to satisfy judgment granted Mr. Edmond Batter, 24 : 4 : 1673, at Salem court, signed by Hilliard Veren,* for the court, and served by John Williams,* deputy for Henery Skerry,* marshal of Salem. Thomas Nowell bound for said Purchas.

Execution, dated May 22, 1674, against Henry Froode, to satisfy judgment granted Mr. Christopher Lattamore, 25 : 9 : 1674, at Salem court, signed by Hilliard Veren,* for the court, and served by John Merrett,* deputy for Henery Skerry,* marshal of Salem.

Execution, dated July 4, 1674, against William Quarles, and Nathaniell Addams and Ephraim Fellowes as sureties, to satisfy judgment granted Mr. Daniell Epps, sr., 30 : 4 : 1674, at Salem court, signed by Hilliard Veren,* cleric, and served by Robert Lord,* deputy for Henery Skerry,* marshal of Salem.

Execution, dated June 14, 1674, against George Hadley, to satisfy judgment granted John Godfery, 28 : 9 : 1671, at Salem court, signed by Hilliard Veren,* cleric, and served by Henery Skerry,* marshal of Salem.

Execution, dated 27 : 6 : 1674, against Mr. Henry Roads, sr., to satisfy judgment granted Joseph Armitage, 30 : 4 : 1674, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem.

Execution, dated Oct. 3, 1674, against Leift. Samuell Apleton, to satisfy judgment granted Samuell Hunt, June 30, 1674, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem.

Execution, dated July 7, 1674, against Mr. Jeremiah Juett and Sara, his wife, to satisfy judgment granted Mr. Bozoon Allen, June 30, 1674, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem, who returned that he found none of the Jewetts on the land attached, so he delivered it to said Allen, he being in possession.

Execution, dated 22 : 7 : 1674, against Mark Graves, to satisfy judgment granted Mr. John Price, executor of the will of Capt. Walter Price, 26 : 9 : 1673, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal

* Autograph.

of Salem, who levied upon the land the house stands upon and gave possession of it to Benjamin Garish by turf and twig, for the use of said Price.

Execution, dated May 22, 1674, against John Browne of Ipswich, to satisfy judgment granted Mr. John Gedney, 26 : 9 : 1672, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem, who levied upon the land of said Browne in Ipswich, 13 1-4 rods in length and 3 rods in breadth along the street, 1-4 acre at 5li., and gave possession to Edward Lomas, for said Gedney, by turf and twig.

Execution, dated 27 : 6 : 1674, against Benjamin Gillum, deceased, or Benjamin Gillum and Joseph Gillum, his executors, to satisfy judgment granted Mr. John Hathorne, assignee of Samll. Bennett, 28 : 9 : 1665, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem, who did not find said Joseph at home and by advice of said Hathorne, execution was suspended.

Execution, dated 21 : 11 : 1674, against Mr. Thomas Bishop of Ipswich, to satisfy judgment granted Ensigne John Goold, 24 : 9 : 1674, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem.

Execution, dated 2 : 7 : 1674, against Joseph Armitag, to satisfy judgment granted Mr. Henry Roades, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem.

Execution, dated June 24, 1674, against John Conneye, to satisfy judgment granted Jacob Allen, June 30, 1674, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem.

Execution, dated July 7, 1674, against Nicholas Maning, to satisfy judgment granted Mr. William Browne, sr., at Salem court, signed by Hilliard Veren,* cleric, and served by Henery Skerry,* marshal of Salem.

Execution, dated 21 : 11 : 1674, against Mrs. Margaret Bishop, executrix of the will of Thomas Bishop, to satisfy judgment granted Ensigne John Goold, 24 : 9 : 1674, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem.

Execution, dated 14 : 4 : 1674, against Edward Cleark, to satisfy judgment granted John Godfrey, 25 : 9 : 1673, at Salem court, signed by Hilliard Veren,* for the court, and served by

Execution, dated July 7, 1674, against Jeremiah Juett and Sarah, his wife, to satisfy judgment granted Mr. Edward Rawson, June 30, 1674, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem.

Execution, dated July 17, 1674, against Mr. John Cutt, jr.,

* Autograph

mariner, or Mr. William Hubbert, his surety, to satisfy judgment granted Abraham Perkins, June 30, 1674, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem.

Execution, dated 19 : 10 : 1674, against Mr. Samuell Bennett, to satisfy judgment granted William Bartrum or Jacob Knight, his attorney, 24 : 9 : 1674, at Salem court, signed by Hilliard Veren,* for the court, and served by John Williams,* constable and deputy for Henery Skerry,* marshal of Salem, who committed him into the keeping of Thomas Matson, keeper of Boston prison.

Execution, dated July 7, 1674, against Gennett Whipple, widow, to satisfy judgment granted Leift. Richd. Waye, Mr. Bozoon Allen and Richard Waite, June 30, 1674, at Salem, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem.

Execution, dated Oct. 13, 1674, against Richard Meeke, to satisfy judgment granted Mr. Christopher Lattamore, June 30, 1674, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem. John Pedricke of the Neecke of Marvellhead engaged to pay, to whom Meeke was delivered, with the latter's consent, for one year, Pedricke agreeing to supply his wife and children with all necessities for that time.

Execution, dated 26 : 6 : 1674, against William Leatherland of Bostone, to satisfy judgment granted Mr. William Browne, sr., 24 : 4 : 1673, at Salem court, signed by Hilliard Veren,* cleric, and served by Henery Skerry,* marshal of Salem, who committed him to Boston prison.

Execution, dated 15 : 10 : 1674, against John Procter, Joseph Procter and Benjamin Procter, to satisfy judgment granted John Knowlton, 24 : 9 : 1674, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem, who delivered 19s. to Knoulton "& 10^d he was to take of his brother Samuell."

Execution, dated 11 : 9 : 1674, against Benjamin and Joseph Morgaine, to satisfy judgment granted Henry Benett, 30 : 4 : 1674, at Salem court, signed by Hilliard Veren,* for the court, and served by Henery Skerry,* marshal of Salem.

Newbury marriages, 1674:

Henry Short and Sarah Whipple, Mar. 30.

Mr. John Sewal and Mrs. Hannah Fessenden, Oct. 27.

Jonathan Haynes and Mary Moulton, Jan. —.

Richard Kent and Mrs. Joanna Davison, Jan. 6.

Thomas Chaddock and Sara Woolcot, Apr. 6.

Mathew Pettingal and Sara Noyes, Apr. 13.

Richard Browne and Mary Jaques, May 7.

* Autograph.

Newbury births, 1674.

Abigail, daughter of Samuel Bartlet, Apr. 14.
Jonathan, son of Jonathan Woodman, Apr. 16.
Cutting, son of Samuel Moody, Apr. 9.
Joseph, son of Joseph Pike, Apr. 17.
Rebecca, daughter of John Knight, jr., Apr. 27.
Joseph, son of Francis Willet, May 11.
Robert, son of Abraham Adams, May 12.
Mary, daughter of William Chandler, May 18.
Samuell, son of Thomas Hale, jr., June 6.
Hannah, daughter of John Swet, June 15.
Samuel, son of Sam. Sawyer, June 8.
Sara, daughter of Daniel Lunt, June 18.
Elizabeth, daughter of John Poore, jr., July 26.
Hannah, daughter of Mr. Richard Dumer, jr., Aug. 12.
Daniel, son of Tho. Noyes, Aug. 30.
Edward, son of Edward Richardson, jr., Sept. 2.
Sarah, daughter of Mr. John Richardson, Sept. 19.
Jane, daughter of Jacob Tappan, Sept. 28.
John, son of Daniel Merrill, Oct. 7.
Georg, son of Georg March, Oct. 6.
Mary, daughter of John Kent, jr., Oct. 24.
Hannah, daughter of Richard Bartlet, jr., Nov. 8.
Mary, daughter of Benjamin Rolfe, Nov. 11.
Peter, son of Anthony Morse, jr., Nov. 14.
John, son of Cutting Noyes, Nov. 15.
Esther, daughter of Aquilla Chase, Nov. 18.
Joseph, son of John Hale, Nov. 28.
Robert, son of Robert Beedle, Jan. 5.
Esther, daughter of Joseph Muzzy, Jan. 15.
Mary, daughter of Mr. Thomas Woodbridg, Feb. 20.

Newbury deaths, 1674:

Isaac Browne, May 13.
Mary, daughter of John Kent, sr., June 10.
Elizabeth, child of William Bolton, June 17.
Joshua Pilsbury, June 20.
Jane, wife of Richard Kent, June 26.
Martha, wife of Thomas Noyes, Sept. 3.

Return made by Anthony Somerby,* cleric.

Rowley births, 1674:

An, daughter of John Wicome, Apr. 1.
Mary, daughter of Samuel Palmer, Apr. 6.
Lidia, daughter of Berzilla Barker, May 13.
Jonathan, son of John Dresser, June 27.
James, son of Thomas and An Wood, June 22.
Nathan, son of Nathaniel and Mary Barker, Aug. 16.

* Autograph.

Robert, son of Abraham and Elizabeth Hezeltine, Aug. 16.
John, son of Joseph and Elizabeth Chaplin, Oct. 26.
Jeremiah, son of Philip and Elizabeth Nelson, Nov. 15.
Joseph, son of Samuel Brockelbanke, Nov. 28.
Abraham, son of Abraham —, Nov. 22.
Petter, son of John Wooding, Mar. 13.
John, son of John Pearson, Dec. 1.

Rowley marriage, 1674:

Calab Boynton and Hanah Harryman, May 26.

Rowley burials, 1674:

Simon, son of Symon Chapman, July 2.
Margrit, wife of William Acie, Feb. 12 (also, 21.)
John, son of John Hopkinson, Nov. 23.
An, widow of Richard Wycome, Aug. 25.

On the reverse of the foregoing paper: "To his loueing son Thomas Leauer a trouper vnder Comand of Cap^t Wheepls at hadley or else wher give this."

Births in Bradford:

Sarah, daughter of John Hardy, Mar. 25, 1673.
Precillah, daughter of Thomas Kemball, Apr. 15, 1673.
John, son of Will. Huchins, July 23, 1673.
Ebenazar, son of John Griffin, Oct. 26, 1673.
Jonathan, son of Benjamin Kimball, Nov. 26, 1673.
Sarah, daughter of David Haseltine, Mar. 11, 1673-4.
Zachariah, son of Mr. Zach. Simmes, Mar. 13, 1673-4.
John, son of Richard Hall, Mar. 22, 1673-4.
—, daughter of Samuel Haseltine, Mar. 22, 1673-4.
Widow Window deceased Oct. 10, 1673.

Topsfield births, marriages and deaths, returned by John Redington:*

Joseph, son of Matthew and Ruth Standly, born Dec. 14, 1671.
Benjamin, son of Matthew and Ruth Standly, born Nov. 12, 1673.
Lideah, daughter of John and Hanah Pabodye, born Mar. 9, 1673-4.
John Herreck and Mary Redington, married May 25, 1674.
Rebeca, daughter of Isac and Mary Cumings, born Apr. 1, 1674.
Thomas, son of Philip and Hana Weltch, born July 12, 1674.
Lidiah, daughter of John and Phebe French, born May 17, 1674.
Sarah, daughter of William and Rebeca Smith, born July 10, 1674.
Mehitabell, daughter of Daniell and Faith Black, born Mar. 10, 1670-1.
Abigell, daughter of William and Hana Averell, born Mar. 8, 1673-4.

* Autograph.

Presilia, daughter of John and Sara Gould, born Nov. 2, 1674.
 Hana, daughter of Thomas and Judeth Dorman, born Dec. 2, 1674.

Edmond, son of Daniell and Faith Black, born Dec. 6, 1674.

Mary, daughter of Ephraem and Mary Dorman, born Dec. 7, 1674.

Priscila, daughter of Mr. Tho. and Priscila Baker, born Dec. 8, 1674.

Elisabeth, daughter of Mr. Jerimiah and Elisabeth Hubbert, born Feb. 8, 1674.

Jacob, son of Robert and Mary Smith, born Jan. 29, 1674.

John, son of Thomas and Judeth Dorman, died Nov. 7, 1674.

Jacob, son of Isac and Mary Estey, born Jan. 24, 1674.

Sara, daughter of Samuell and Sara Howlet, born Nov. 25, 1674.

Mary, daughter of John and Elizabeth Ramsdell, born Jan. 27, 1674.

"Good. lord my lou remembred to you hear I hau sent you thos atachments wich came to my hand wich is — in all Your to Comand in what I may John Fuller."

Debts which appear on the estate of Rich. Longhorne, not inventoried previously, brought into court, Sept. —, 1674, by Thomas Longhorne, sole executor: To Mr. Jolliffe in Mony, 1li.; to Gd. Nowers, 1s.; to a legacy or Contribution pd. the Deacons, 3s.; to Mr. Payne in wheat, 12s.; to Gd. Jordan, 2s. 8d.; to James Bayly, 4s. 4d.; to Andrew Hedden p seeking a mare, 2s.; to Mr. Boynton about ye Graves digging, 11s.; to The Tailor Barker Junr., 6s.; to the Country Rate, 6s.; to Hen. Rylay, 11d.; to Peeter Nash p ferriage, 8s. 6d.; to Richd. Clark, 15s.; to Deac. Brocklebanke, for his time about devid —, 6s.; to Jno. Pearson, sr., 3s. 7d.; to Deacon Knowlton, 1s. 4d.; to Mr. Jno. Payne, 4s. 1d.; to Cornett Whipple, 5s. 6d.; to Abel Langley, 1-2 bu. Mault, 2s. 3d.; to Mr. Crosbie p phisick, 2li. 14s. 5d.; to Mr. Crosby p more phisick, 5li. 15s. 3d.; to Samuel Woods Legacy p will, 10li.; to Robert Pearce for freight, 1li. 2s. 7d.; to Robert Lord, sr., 17s. 7d.; to Cornett Whipple, 5s.; to Daniel Ela for tending Longhorn when sick, 1li. 9d.; to old James Davis for hopps, 16s. 8d.; to Mr. Bishop, 19s. 6d.; to Jno. Acie, 2s.; to Mr. Chickrg p phisick, 17s.; to Cornett Whipple more, 6s. 4d.; to Tho. Lovell, 4s.; to Major Dennisson p entry, 8s.; to Wm. Chaundler, 3s. 4d.; to Major Dennison p entry of actions, 18s.; to Ezkl. Northend, 7s. 6d.; to Tho. Newman p work, 5s. 6d.; to senr. Kimbal, 1s. 4d.; to Rich. Holmes, 5s. 6d.; to Humphry Wilson, 1s. 3d.; to Jno. Warner, 6s.; to Nathl. Rust, 6d.; to Saml. Hazeltine for Goeing for the Doctr., 5s.; to Tho. Leaver, 2s.; to Jer. Elsworth, 5s.; to Jno. Todd p dividing Estate, —; to Symo. Chapman p fetching Th. Long, —; to James Kid, —; to Mr. Ward, —; to Danl. Wicam, 4s.; to Mr.

Jno. Rogers p phisick, 1li. 7s.; total, 41li. 18s. 11d. Goods not inventoried before: Two Acers of Salt Marish, 10li.; a Silver Dram Cupp, 5s.; a Silver Whistle, 2s.; a Cradle, 2s.; a Tin Box, 6d.; a Saw, 11s.; total, 11li. 4s. 6d.

Summons, dated Mar. 23, 1673-4, to James Bally, sr., to answer the complaint of Andrew Hiden, for debt in corn and butter, who was ordered by Bally last spring to keep the cows, the latter being selectman, signed by Tho. Leaver,* for the court.

Margret Hiden, aged fifteen years, deposed that her father's wages for keeping the cows were paid in corn and butter. Sworn in court.

Bond, dated 4 : 5 : 1674, given by Samuell Leonard* and Nathanel Lenord* for their appearance at the next Ipswich court to answer the complaint of John Goold, as surety for Mr. John Ruck. Wit: Hilliard Veren* and Edmond Bridges.*

John Gould,* on Oct. 1, 1674, made John How his attorney.

Zacheus Curtious, jr., testified that he and Walter Farfeeld being at Mr. Gednie's some time in October with Samuel Symonds, heard the said Symonds own that the bargain he had made with Edmond Bridges, jr., about some joinery work which he was to do for him, was to be paid in a steer if the work was done by Sept. 1. Further that Symonds said the work had not been done because his man had gone away and had stayed longer than he ordered him, etc. Sworn, Mar. 26, 1674, before Daniel Denison.*

Nicholas Maning,* Thomas (his mark) Robbins and Jno. Price* on Mar. —, 1674, appraised eleven firkins of soap, etc.

Copy of a record of Ipswich court, Oct. 2, 1674: "Nathaniell clarke made a motion to this court whether that haveing now in their River two vesells w^{ch} were sufficient to weigh up the ship that is suncke in merimack which is conceiued to haue beene done on purpose that the sd vessell might not be improved for the weighing of the sd shipp The court Judgeth it might be of good service in many respects and did incorage him therin, and advise that some prudent men might take the care of that affaire & keepe true account of the charge for w^{ch} they did not doubt but the ship or country would be liable to make them satticefaction."

Thomas Chadwock, aged about twenty-six years, deposed that Daniell Clarke agreed with Thomas Thorley to live with him as a servant for two years, and this was done of his own accord. Thomas Thorla testified the same. Sworn in court.

Copy of Salem town records, made by John Croade,* town clerk: "Att a Meeting of ye Select men ye 9th 12^{mo} 1674 Thomas Fuller Sen^r is Receiued & allowed of as an Inhabitant with his whole farme belonging to Salem this is done by his owne Consent. Thomas Fuller."

* Autograph.

John Fabes* and Christopher (his mark) Josse, on Nov. 29, 1667, gave receipt to Thomas Seavy of the Little Harbour in Portsmouth, for the use of Mr. Francis Waindrite of Ipsedg, 32 barrels of mackerel at 20s. per barrel, and 65 1-2 quintals of fish at 19 rials per quintal, amounting to 63li. 2s. 3d. Wit: Elias Stileman* and —d Tucker.* Owned, 29 : 7 : 1674, in Ipswich court. On the reverse: Richd. Wilcom, Wallis and John Fabins mentioned.

Bond, dated July 29, 1674, given by Moses Pengry, sr., of Ipswich, to Henry Bennet of Ipswich. No signature.

Thomas Smith, aged about eighteen years, deposed that about the beginning of August last, he was on board the ship called the Friendship of Salem, Richard Moore, master, when he saw Mary Franks sign an indenture binding herself as an apprentice to Samuell Crompton, now of Salem, sadler, for eight years. Deponent was a witness to the agreement, and since they arrived in New England, she offered to help him get an indenture from his master Crompton, if he wished it. Sworn, 26 : 9 : 1674, before Thomas Clark,* commissioner.

Anthony Dike, Daniell Bacon, Richard Richards, Nath. Pickman, jr., Jno. Price, George Keaser, Nath. Pickman, sr., Tho. Rix, Zebulon Hill, Isack Williams, Jno. Pickman and Benjamin Ganson, a jury of inquest appointed to view the bodies of two men, Michaell Partridg of Solcum, Devonshire, and Thomas Hooper of Seaton, Devonshire, who were taken up dead out of the water by Joseph Gatchell and Thomas Edwards, made return, dated Salem, Apr. 2, 1674, that they "finde noe wound y^t might any waies procure their death & haueing full Information from Nate Mihill, Jn^o Land^r & Jn^o Neal of their Seeing them In y^e wat^r aliue, and of Joseph Gatchells & Thomas Edwards taken them out dead, wee doe Judge y^t by y^e prouidence of God they were drowned." Sworn before Wm. Hathorne,* assistant.

* Autograph.

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